S. HRG. 101-741

NATURALIZATION PROCEDURES

HEARING

BEFORE THE

SUBCOMMITTEE ON
IMMIGRATION AND REFUGEE AFFAIRS

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

PROPOSED LEGISLATION TO MODIFY IMMIGRATION AND NATURALIZATION REQUIREMENTS

JUNE 15, 1989

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NATURALIZATION PROCEDURES

THURSDAY, JUNE 15, 1989

U.S. SENATE,
SUBCOMMITTEE ON IMMIGRATION AND REFUGEE AFFAIRS,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:37 p.m., in room SD-226, Dirksen Senate Office Building, Hon. Paul Simon presiding.

Also present: Senator Simpson.

OPENING STATEMENT OF HON. PAUL SIMON, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator SIMON. The subcommittee will come to order. I will temporarily preside. Senator Kennedy is involved in the child care bill. He is occupied on the floor right now. He hopes to get over here later. I will submit his statement for the record.

[The prepared statement of Senator Kennedy follows:]

OPENING STATEMENT BY SENATOR EDWARD KENNEDY
NATURALIZATION PROCEDURE HEARING
JUNE 15, 1989

Today's hearing resumes the Subcommittee's continuing review of proposals for immigration reform -- our effort to make our immigration laws more faithfully serve our immigration needs as well as reflect our national interest.

Major immigration reform is moving once again in Congress. A bill which I cosponsored with Senator Simpson, and worked on with Senator Simon -- has already been adopted by the Judiciary Committee last week and will soon be ready for consideration by the full Senate. During the course of our discussions on that legislation, we reviewed a number of proposals to alter the requirements for naturalization. One, proposed by Senator Simon, would reduce the length of residency for naturalization from five years to three years.

During our discussions this seemed to be a modest and reasonable proposal, with justifiable objectives. It would reduce waiting periods and perhaps encourage earlier naturalization and greater participation in citizenship by new immigrants. It would facilitate earlier family reunification under our immigration system. And both Canada and Australia -- the other large immigrant receiving nations -- have adopted the three year requirement.

But it was equally obvious that not a great deal of thought had been given to this question as a policy option in recent years. The Select Commission on Immigration and Refugee Policy, whose recommendations have formed the basis for all recent immigration reform, did not even look at this issue during its deliberations. And it has not been raised during any of our immigration debates -- not only in recent years, but not even during the landmark changes made in the 1965 Act reforms.

In fact, the record shows that the statutory, 5-year residency requirement for citizenship -- first proposed by Thomas Jefferson -- has not been changed since 1802. It may have been a lively issue during the Federalist period, and during some later restrictionist periods in our history -- aimed variously at keeping out the Irish, Italians, or others -- but over the past half centry there has been no questions raised about it. The 5-year requirement has remained unchanged for most of our Nation's history.

The exception to the 5-year residency requirement has been for spouses of U.S. citizens. For much of our history, wives of Americans automatically gained U.S. citizenship just as American women lost theirs upon marriage to a foreigner. Finally, after a number of changes, Congress established a 3-year residency requirement for the naturalization of both wives and husbands of U.S. citizens -- a requirement which holds today. In 1988, spouses accounted for 5.5% of all naturalizations.

There is the obvious question: why change it now? Are there good enough reasons to do so? What purposes will it serve? Will there be any unintended consequences? Will it contribute to the larger civic and community goals involved in conferring citizenship -- and should some other requirements or procedures be considered as well?

American citizenship has historically been a cherished goal of most arriving immigrants. It is one of the most precious rights we can confer. And we have bestowed it solemnly, in full recognition of the rights and obligations it implies. It is the civic binding that helps join these United States. Clearly, any change in how we deal with this process should be undertaken with care. Our hope this afternoon is that this hearing will help us deal with some of these questions; to consider the options before us on modifying our naturalization procedures.

Senator SIMON. This hearing has been called at my request to take a look at the question of how long you should have to wait before you become a U.S. citizen. A commission on this whole question of immigration policy recommended some years ago that we reduce it to a 3-year period. I understand that there are some others who favor that.

It hastens the process of reunification; it hastens the process of letting people participate fully in our society. But that is the question. It is a very narrow focus, but, frankly, since this committee schedule has been called, we have had the tremendous shake-up in China and will probably have a few questions on that.

I am pleased to see our Commissioner here. Alan Nelson, we are very pleased to have you back here once again as our first witness.

STATEMENT OF ALAN C. NELSON, COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, ACCOMPANIED BY RICHARD MILLER, DEPUTY ASSISTANT COMMISSIONER FOR ADJUDICATIONS, IMMIGRATION AND NATURALIZATION SERVICE; AND MICHAEL L. SHAUL, SENIOR EXAMINER, ADJUDICATIONS DIVISION, IMMIGRATION AND NATURALIZATION SERVICE

Mr. NELSON. Thank you, Mr. Chairman. Again, it is, as usual, a pleasure to work with this committee. We have had a lot of interesting and productive times over the last number of times with the passage of the Immigration Reform and Control Act and other legislative activities, so we are pleased to work with you.

I would like to commend you and the other members of the subcommittee for moving the immigration legislation forward. We understand it is getting close to floor action. We certainly commend you for that activity and look forward to the Senate passing a bill shortly, and hope that your counterparts in the House can likewise move rapidly to deal with the important issue of legal immigration much as we did in an effective bipartisan manner to deal with illegal immigration with the legislation 2 years ago.

Mr. Chairman, on the subject before us here on the requirements for naturalization, I will make a few comments. We would submit our brief statement for the record. As you point out, there is debate on all these subjects; certainly one of the issues being what should be the waiting period for naturalization, the current 5 years or a reduced 3-year period.

As you might know, the Immigration Service, in developing some options a year ago, had a lot of different positions that we advanced. We ourselves thought maybe there was some reason to reduce the period to 3 years, but that was tied in with a much broader picture where we thought there ought to be some revisions of second, fourth, and fifth preferences, and that if you, in fact, greatly reduced the second preference and required people to be citizens in order to petition, there might well be good reasons to drop the period to 3 years.

Without that, however—and the bill, as we understand it, that is going forward does not make those changes—the administration would have to take the position that without those kinds of changes that we think the 5-year period is appropriate and that we

should stay with that. So we would have to respectfully oppose reducing the period to 3 years.

A lot of reasons there. One, of course, is that we want people that become citizens to become as assimilated as possible, and we think that a 5-year period makes sense, again, without these other things.

If there is a way of reducing backlogs, a way of making more incentives to these citizens, I think there would be more merit to consider it. But without that, we think that the idea of keeping it at the current time makes sense. It is a little bit of the old adage, if it ain't broke, don't fix it. We think that that is certainly true on the 5-year time and, as mentioned, we think there is an assimilation factor that is significant in leaving it there.

Of course, spouses now have a 3-year status. Of course, that would remain. That, we understand, is only about 10 percent of the numbers, but that 3-year period does apply to spouses and, of course, should remain as it is.

So, that would be our basic position, Mr. Chairman, on the period of time, that we would suggest that there not be a change and that it be left as it is. I might move on, if I might, to another issue because I think it is also very relevant and relative, and that is the whole administrative naturalization provision. That is in the bill, as you marked it up the other day—I believe section 202 of the bill, as passed; yes, section 202, administrative naturalization.

We would very strongly—the Reagan Administration for many years strongly opposed administrative naturalization, and every indication I have from the Bush Administration would be that that would be the same position. I think that that is an idea whose time has come and gone.

Myself, and I am sure you and other members of this committee, have many times appeared before the Federal judges or State judges that are conducting naturalization ceremonies. In many cases, the only time a new citizen will go before a judge is when they are naturalized. It is a perfect example of our separation of powers at work where the legislature passes the laws, the executive branch implements them and processes people for naturalization, and the judicial branch naturalizes them.

There is an aura of great dignity. It is a very significant thing for the petitioners to go through, and I think to allow administrative naturalization would clearly do away eventually with most judicial naturalization. I think that would be a real step backward.

I think that this provision that is in the bill has sort of been a carryover from the past. Chairman Rodino, of the House Judiciary, proposed that, and when I came on the scene 8 years ago I thought it was a good idea because the feeling was that we could reduce backlogs and make it more efficient if we did away with judicial naturalization as a requirement.

I have seen the light, if you might, that there is not a reason for that. First of all, to the extent there are backlogs—and they have been greatly reduced—it is not due to the judges. The judges, by and large, we have worked out very well, so there is no reason for it. It wouldn't accomplish anything, and I think it would take away from, as I say, the dignity of the proposal.

So I would strongly urge, based on the past administration position—and I am sure Attorney General Thornburgh, having been himself at ceremonies like this, and the President himself, would say we ought to keep the judicial naturalization.

I know I have talked to retired Chief Justice Burger, who feels very strongly that way, and I think most of the bench would agree with that. So, I would strongly urge that the committee reconsider that provision and drop it out because I think that ties in, again, with wanting to strengthen naturalization.

So, I will stop at that point, Mr. Chairman.

Senator SIMON. I thank you very much, and I might just comment on the latter point. We had a lot of discussions on every aspect of this bill. I have to say that part of it didn't come in for much discussion as we were moving ahead, and we will take another look at it.

I guess I don't quite understand your thinking on how the second preference ties in with your shift of opinion from 3 to 5 years. Frankly, I included the 3-year provision because my understanding at that point was the administration favored the 3-year provision and it seemed to make sense to me, and so I included it.

Then it was not included in the bill of Senator Kennedy and Senator Simpson, and then we agreed to have this hearing before the bill got to the floor to see what the situation was. I guess the response is a little nebulous.

Mr. NELSON. It is a fair question, and I might ask a couple of colleagues here, Mike Miller and Mike Shaul, if they might want to elaborate on this a little more because there is, maybe, a policy reason which I will try to elaborate on, and maybe a little more of a technical kind of thing that they can elaborate on.

Our thinking with second preference is we ought to do more and more to make it desirable and a bit of a carrot, if you will, for people to move down the track to citizenship. And if, in fact, the second preference was dramatically cut back or even eliminated, of course, then the carrot would be for the alien to go down the track to become a citizen before they could petition for relatives.

So, with that being the case, we thought, well, there would be a balancing. So much in immigration law is a balancing of interests. In that case, since we would be putting more pressure on them to become citizens, we could see reducing the time period to do so.

If you are going to leave second preference, that would remain. They would have the ability to petition from that status, as well as from the citizen status. Then, in the technical area—and, again, Mr. Miller might want to elaborate. Why don't you come up here, Mike?

We are talking about some backlog considerations, and I will leave these gentlemen to elaborate, if I might, Mike Miller to my left and Mike Shaul to my far left.

Mr. MILLER. Thank you. The principal emphasis or impetus, I guess, for naturalizing generally is, I think, mainly threefold. One is to assist immediate relatives, such as parents or brothers and sisters, in emigrating to the United States without the quota numbers or even assisting at all because a parent cannot be petitioned for by a lawful permanent resident, and to be able to accept certain em-

ployment positions such as security jobs with the U.S. Government or in the military.

As the Commissioner said, we are concerned on the one hand about the assimilation of alien lawful permanent residents into the society and culture of the United States prior to naturalization and, on the other hand, with encouraging these folks to naturalize.

So, with the second preference reduction, we would be able to see an impetus or a motivation to naturalize, but—I guess I am not explaining this very well, but the trade-off seems to be——

Senator SIMON. Well, let me ask you this because you mentioned backlogs. Obviously, what we do not want to do is create all of a sudden a huge pile of paperwork. Is that what you are talking about?

Mr. MILLER. That is one of the things. With the reduced time, we would make probably several 100,000 people eligible immediately that are not now eligible for naturalization because there is a 5-year waiting requirement at the present time. And with 3 years, we would make immediately persons who are not now eligible able to apply.

Senator SIMON. Let me ask you, you are both career people with INS, right?

Mr. MILLER. That is correct.

Mr. SHAUL. That is correct.

Senator SIMON. If I had asked you a year ago, should we reduce it from 5 to 3 years, what would you have said?

Mr. SHAUL. Mr. Chairman, a year ago we were looking at a number of options relating to legal immigration reform as a whole. One of the options that we looked at was an avenue to reduce or eliminate the backlogs of people awaiting immigrant visa petitions, people who already have approved status as relatives of permanent residents, but who, because of the sometimes exceedingly long backlogs, must wait a number of years before they can be reunited with their family.

One of the options was to eliminate the second preference over a period of about 3 years in favor of having people naturalized in a shorter period of time and then petition as immediate relatives for those spouses and children.

This would eliminate the backlogs. It would make it so that there would not be a difference between the waiting times depending upon your country of origin. As you know, for Mexico, there is about an 8-year backlog for bringing in a relative, a spouse, or a child. For other countries, it is less, but for some countries it is very long.

Senator SIMON. Well, if I can ask the two of you to forget that the Commissioner is right here now. If you were a member of this subcommittee—just a simple yes or no—at this point would you vote to reduce that 5-year waiting period to 3?

Mr. SHAUL. At this point, no, I would not, Mr. Chairman.

Mr. MILLER. Nor would I, sir.

Senator SIMON. OK. Let me note that the expert on immigration law in the U.S. Senate has joined us, from that State with massive numbers of immigrants, Wyoming.

Senator Simpson.

OPENING STATEMENT OF HON. ALAN K. SIMPSON, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator SIMPSON. Mr. Chairman, I thank you very much, and it is very pleasing for me to see you as a member of the subcommittee taking a great interest in these issues. They are terribly fraught with—and I say it time and time again—emotion, fear, guilt, and racism. Always, we deal with these things. People pretend they don't, but they keep throwing that into the game.

It is a phony way to play the game because the game is not Democrat, it is not Republican, it is not racist. It may have been, and that is our history, but it is not anymore. I always get offended by that. The same people that use that as a tool are the same people that, you know, have the most to lose in the process.

So, I appreciate your coming by. You spoke with the chairman of the subcommittee about this; it is a matter of interest to you. How much time should an alien reside in the United States before being allowed to naturalize?

I think this is the first time this has been addressed since—well, it is obviously the first time since I have been in the Senate in 10 years. I strongly believe that naturalization is a very important aspect of immigration and assimilation. Now, some have even criticized the word "assimilation." You can twist that all around, too, in various dazzling things.

But we must always encourage the naturalization of immigrants, and I also strongly believe that a minimum level of assimilation must be demonstrated by an immigrant before we grant this extraordinary benefit of U.S. citizenship to him or to her.

That appropriate degree of assimilation must include, at a minimum, a demonstration of a functional knowledge of English, a knowledge of the history and government system of our country, and an intention and a commitment to continue to be part of our country.

It was best described at a hearing some years ago that the people who become Americans must embrace a common public culture, a common flag, and a common language. Whatever they do with their private culture is strictly their business; and that is a good distinction to draw.

I have the Immigration and Nationality Act on the computer in English. I am going to put it in some day. It will be one of my last acts in Congress, to rewrite the INA in English. It would be a dazzling document, because now it is the most contorted, twisted, verbose, garbled piece of legislation that I have ever got into in depth, and there are a lot of them around here.

Senator SIMON. You need a nonlawyer to help you on that.

Senator SIMPSON. I will take a journalist like you with me when we go over the cliff.

Senator SIMON. OK.

Senator SIMPSON. Well, just one other remark, Mr. Chairman. It does say, in the clearest possible terms in the whole Act, that an alien must have:

(1) An understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language;

(2) A knowledge and understanding of the fundamentals of the history and of the principles and forms of government of the United States of America.

I would like to insert in the record a sample of naturalization questions that are asked of people at that very vital time of their lives, and I think we will see that it is not an onerous condition.

[The information follows:]

SAMPLE TEST QUESTIONS FOR NATURALIZATION EXAMINATION

Set #1

1. Who was the first President of the U.S.?
2. Who is the Governor of your state?
3. What are the first ten amendments of the Constitution, called?
4. What is the highest court in the U.S.?
5. Who is the Vice President of the U.S.?
6. What is the supreme law of the U.S.?
7. Name the three branches of Government?
8. Where is the right to vote guaranteed to each citizen?
9. What is the term of office of the Vice President?
10. Where is the capital of the United States?

Set #2

1. Who is the President of the U.S.?
2. Name one of the two Senators from your state?
3. Name the two houses of Congress?
4. What is the capital of the U.S.?
5. What is the term of office of the President?
6. Name 5 of the first original thirteen states?
7. How many states in the U.S.?
8. How long is a congressman's term of office?
9. Who is your congressman?
10. What do the stars on the American flag represent?

SAMPLE TEST QUESTIONS FOR NATURALIZATION EXAMINATION

Set #3

1. Who was the first President of the U.S.?
2. Who is now the President of the U.S.?
3. What is the name of one of the Senator's from your state?
4. What is the highest court in the U.S.?
5. How many Senators are there in Congress?
6. What are the first ten amendments to the Constitution called?
7. Give me two of these rights or privileges?
8. Why are there 13 stripes on the U.S. flag?
9. How many states make up the U.S.?
10. What are the three branches of the U.S. Government?

Set #4

1. What do we celebrate on the 4th of July?
2. What is the Constitution of the U.S.?
3. What is the highest court in the U.S.?
4. What are the three branches of government and what are their functions?
5. What is the form of government we have in the U.S.?
6. Name three of the first original thirteen states?
7. How many states in the U.S.?
8. How long is a Congressman's term of office?
9. Who is your Congressman?
10. What are the colors on the American flag?

Senator SIMPSON. I have seen no evidence that shows that 5 years is enough time or too little time or too much time to require as a minimum period of residence before naturalization is allowed. But I do know that it has served us well so far without noticeable problems.

The 5-year period has been on the books since 1802, and I think we have done fairly well under the past 187 years. But if we do anything, I think that those who propose a change in this period of residence bear the full burden of proof that a change is necessary or desirable.

I strongly reject the notion that we should change our naturalization period merely because there are backlogs in the immigrant visa system. If our immigrant selection system leaves something to be desired, we should propose amendments to it. However, we should not change our citizenship rules if our strongest concerns are with our immigration rules or with the bureaucracy, or whatever it is.

So, I look forward to the testimony and appreciate your participation and your courtesy, Mr. Chairman.

Senator SIMON. Commissioner, if I may ask a question on a totally different area, I have the letter that Attorney General Dick Thornburgh sent to you regarding the Chinese student situation, and I commend the President for his decision on that.

Does that present any additional problems to INS, assuming the hard-liners continue to take charge in China and we move ahead on this? Does that present personnel problems or other problems to INS?

Mr. NELSON. At this point, Mr. Chairman, no. What the future might hold is a little hard to tell at this point, but we issued a cable to our field that elaborated on that letter from the Attorney General to me, giving the instructions to our field, giving the 1-year extra time to those people already here. Of course, it applies to those who are already here, not any potential new entrants.

As I understand it, so far in 1 week or 2 that that has been in effect, it has not been any problem. We will need to look at the issue of asylum claims when and if they are made. I understand there have been very few made to date.

So, we think it can be handled smoothly, again, depending on what might happen in China. What terms of exodus from China there might be could present a whole raft of new issues, but with those that are here, students and others, we think this deferral of their departure time will work well.

Obviously, anybody wanting to go back can go back. Those that are involved in criminal activities, we might well require them to go back, but we think it is and can work well.

Senator SIMON. Any further questions, Senator Simpson?

Senator SIMPSON. No, thank you, Mr. Chairman.

Senator SIMON. I thank you much, Commissioner, and your colleagues here. We appreciate it.

Mr. NELSON. One thing I might point out, Mr. Chairman, relating to Senator Simpson's comments, is that currently the average time for naturalization for those naturalizing is 8 years. Of course, a lot don't move as rapidly as the 5 years, so that is one factor.

I might also—I know there was some question on backlogs, and we will submit for the record a couple of sheets that give some figures on backlogs and numbers.

[The information follows:]

Naturalzation Applications Processing

City	INS Processing Time in Months. [] denote backlog	Court Processing Time (Months)	Total Processing Time (Months)
Los Angeles	5 [1]	4	9
New York			
NYC	2.5 [0]	2	4.5
BRO	4 [0]	6	10
Houston	10.5[6.5]	6	16.5
Dallas	9.1 [5.1]	6	15.1
Miami	11 [7]	6	17

For INS, a four month processing time is standard; processing times in excess of four months are considered a backlog. INS cannot comment on average court processing time because each court is independent. However, it is clear that a certain amount of time should be considered standard for court processing and should not be considered a backlog.

NATURALIZATION DATA

Naturalization Cases Pending Servicewide	-	Oct. 1, 1988 185,297 Mar. 1, 1989 175,216
Ave. Cases Rec'd Per Mo. Servicewide	-	29,572
Four Months Normal Processing Time	-	118,290
Number of Months Cases Pending S/Wide	-	1.48
Persons Naturalized in FY 1988	-	246,256
Persons Naturalized 1st Half FY 1988	-	119,040
Persons Naturalized 1st Half FY 1989	-	125,260

Mr. NELSON. We are naturalizing, last fiscal year, nearly 250,000 people. This current fiscal year, we are running ahead of that. So, if the rate continues at the same rate, we should be something above the 250,000.

The backlogs have been dramatically reduced. About a year ago, we were about at 8 months. Now, we build in a 4-month period as sort of a normal processing time. That has always been the case. So, we count the first month of backlog as the fifth month.

And, overall, we have like a 1½-month backlog servicewide. In a few places, it is longer than that; some, it is less. Some places—in New York City, for example, we are processing people a couple of months after they file their applications—even shorter than that 4-month period.

So, we think we have done a lot in terms of the backlogs. We will continue to work on that. As we have automated more, as we are getting out even more in the outreach efforts to encourage people to naturalize, we think the system is working well. Backlogs are down, and that is another reason—I can't miss this opportunity to once more in front of Senator Simpson say why there is no reason to move to an administrative naturalization and take away the dignity of the judicial system.

We would very much hope that you would revisit that because that would be a step backward, we think, in the kind of comments that Senator Simpson just made about the dignity of our process and it has worked well.

Thank you very much.

Senator SIMPSON. Mr. Chairman, I just wanted to add, I think that there are backlogs—at least there is testimony that will be presented here—in Dallas, Houston, Miami, New York, and Los Angeles.

You are saying that those are being corrected and those are under control? Is that what you are saying?

Mr. NELSON. Yes, sir.

Senator SIMPSON. And you will furnish that information for the record?

Mr. NELSON. We will.

Roughly, in Houston, there is a 6½-month backlog; Dallas, 5 months; Miami, about 7, which, you know, is not—now, there is some additional time with the court beyond that. And as I say, overall in the country, it is only 1½ months. So, we think that the backlog problem, while in a few areas is higher than we would like, and we are working to reduce it, is certainly within general control. And we are convinced that we will—as we did reduce it from 8 to 1½ months overall, that we will continue to reduce that.

Senator SIMPSON. Thank you, Mr. Chairman.

Senator SIMON. We will enter those statistics in the record.

Mr. NELSON. Thank you.

Senator SIMON. We thank you very, very much.

[The prepared statement of Mr. Nelson follows:]

TESTIMONY OF

ALAN C. NELSON
COMMISSIONER
IMMIGRATION AND NATURALIZATION SERVICE

BEFORE THE

SENATE SUBCOMMITTEE ON IMMIGRATION AND REFUGEE AFFAIRS

CONCERNING

IMMIGRATION NATURALIZATION PROCEDURES

JUNE 15, 1989

ROOM 226, DIRKSEN SENATE OFFICE BUILDING

Mr. Chairman and Members of the Subcommittee:

I welcome the opportunity to comment on the proposal to reduce the general residency requirement for naturalization from five years to three. Although there may be some sincerely held beliefs in favor of reducing the residency requirement, the Administration opposes such a change at this time and would oppose any such amendment being offered to S. 358, the legal immigration reform legislation recently ordered reported by this Committee.

During the little more than two hundred years of our country's existence, we have seen large groups of immigrants arrive on our shores from every part of the globe. These immigrants have brought many different attributes, have spoken many different languages, have represented all the different races and religions. The characteristics which they shared, however, are an appreciation for the benefits that this country

offers, a willingness to work hard to build a better life in their new land and a desire to attain that most prized possession of all -- U.S. citizenship.

The preservation of the value of U.S. citizenship and the development of an appreciation of the institutions and values of the United States is paramount to the naturalization process. The primary reason that the immigration laws require a five-year period of residency is to ensure that an applicant for naturalization has had time to acquire knowledge of and a commitment to American ideals. The full five years increases the probability that the alien will have had a sufficient opportunity to become attached to the principles upon which this country was founded. The five-year period for naturalization has stood the test of time having governed the naturalization of an entire generation of this country's immigrants. We see no valid reason for changing that process at this time.

Every applicant for naturalization is different from any other. Each is a combination of all of their life experiences, both prior to, and after, arrival in this country. Those experiences affect both their desire to naturalize and the rate at which they acquire those attributes necessary for citizenship. A five-year period of residency ensures that the alien has had an opportunity to experience American life fully and to acquire the commitment to the American way of life necessary to make a good citizen.

In conclusion, the Department does not believe that a reduction in the residency requirement from five years to three, would be appropriate. We must, therefore, oppose such a reduction at this time. I would be pleased to answer any questions which you or the other members may have.

Senator SIMON. Now, a panel: Dr. Elliott Barkan, professor at California State University at San Bernardino; Dr. Harry Pachon, the National Director of the National Association of Latino Elected Public Officials; and Dr. Reed Ueda, a professor at Tufts University in Massachusetts.

We will enter your full written statements in the record. If you can summarize in 5 minutes your statements, then we will toss some questions at you.

Dr. Barkan, we will start with you here.

PANEL CONSISTING OF ELLIOTT BARKAN, PROFESSOR OF HISTORY AND ETHNIC STUDIES, CALIFORNIA STATE UNIVERSITY AT SAN BERNARDINO; REED UEDA, ASSOCIATE PROFESSOR OF HISTORY, TUFTS UNIVERSITY; AND HARRY PACHON, NATIONAL DIRECTOR, NATIONAL ASSOCIATION OF LATINO ELECTED AND APPOINTED OFFICIALS

STATEMENT OF PROF. ELLIOTT BARKAN

Mr. BARKAN. Thank you for the opportunity to appear before you, and I am sorry I didn't have the chance yet to submit a written statement, which I will shortly. Therefore, I would like to focus on a few points, key points, and be glad to amplify them.

I do believe that we do need to focus on the value of citizenship, and I think what has often happened with so much attention on immigration is that we focus on those whom we welcome and not on what we do for those newcomers after the welcome.

I think, also, that—and I bring a historical perspective as a professor of history and ethnic studies—that they have often understated and under-appreciated the momentousness of the decision to become a citizen, and the significance of switching loyalties. And so it is within that context that I wish to make a few of these remarks, and can amplify them if you wish.

I realize that it has been over 187 years since there has been any change in the requirement. I do wish to point out that in the original discussions to increase the number of years from 2 to 5 years in 1795, it was not a magical number and there is no magic to the number five. They did it at the time because they felt there was the time needed for enculturation.

But I would emphasize that given the current situation, which is vastly different than America in 1795 or 1802, that with the impact of the media, extensive as it is in diverse languages, immigrants are saturated and exposed continually to the American culture, and that the opportunity to acquire the basics of American culture can be done and acquired in less than 5 years. Canada, as I know you know, has a 3-year waiting period. Australia has a 2-year waiting period.

The key here is not only the opportunity for enculturation or assimilation, but the receptivity of immigrants to citizenship, which is really tied in with their inclination, their motivation, their personal needs, and their perception of the value of citizenship.

And I do believe that immigrants who are interested in citizenship will be inclined to take advantage of the opportunity of a shorter waiting time, and those who are uninterested or ambivalent, I believe, will not be more inclined to seek citizenship if you

reduce it to 3 years or any other time, unless it is tied in with other reforms that are not yet in Senate bill 358.

And particularly tied in with what Mr. Nelson just said, I would like to point out the comment with who is delaying applying for citizenship; that the term of median years of 8 for citizenship is somewhat deceiving.

It is not only Latinos who have been slower and have lower rates of applying. It is also Canadians, and in the past two decades increasingly Europeans have been lower in rates and slower to apply.

Let me just give you a very brief example of this. I took a look at the 1985–87 data. Forty-seven percent of immigrants applied within 4¾ to 8¾ years. This is 43 percent of Europeans, only 27 percent of North Americans, but 62 percent of Asians.

On the other hand, if you look at those who waited 12 years or more to apply for citizenship, one-quarter of all new citizens waited 12 years or more, and this would include a third of Europeans and Central and South Americans, 50 percent of North Americans, but only 7.9 percent of Asians. I could mention individual countries. Let me just point out, for example, Cubans are still waiting, two-thirds of them, 12 years or more.

So, it is my belief that we should encourage those who are eager to naturalize, who are eager to become part of the American system. And for others, there are a variety of motives why they are delaying or not applying at all.

Now, with respect to the question of the implications if you reduce the waiting time, first of all I do believe that we will make available, to the benefit of the Nation, a more rapid economic, and especially the political integration, of those who are interested. I do think you will then need to make revisions in the provisions for special naturalizations.

Of course, given the fact that in the 1980's nearly half of all immigrants who have entered this country are related to American citizens, both quota and nonquota, this certainly will accelerate the immigration process. It could conceivably even double the number of applicants.

The point I would emphasize is that this reduction needs to be tied in with general reforms of the U.S. naturalization system, and I would suggest the following: reduce the waiting time to 3 years, eliminate the special categories, and separate the naturalization system from the Immigration Service.

Do what you can to enhance and promote the desirability of citizenship, publicize your procedures and the separation; publicize that the Nation wishes for immigrants to naturalize, and especially in so doing, provide procedures that you will help immigrants to overcome their fears and anxieties about applying for citizenship. I do believe that this is a particularly key point that is influencing the rates of naturalization.

I would be happy to expand upon any of these points. Thank you.

Senator SIMON. Thank you very much.

[The prepared statement of Mr. Barkan follows:]

FULL TEXT FROM WHICH REMARKS WERE DELIVERED BY

PROFESSOR ELLIOTT ROBERT BARKAN
DEPARTMENT OF HISTORY
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Mr. Chairman, I wish to thank the Committee for this opportunity to appear before you regarding the question of reducing the waiting period for naturalization from five to three years. I regret that I was unable to provide you with a full written text prior to my appearance, but there was not sufficient time.

I shall be concise but I do wish to present some new data that have a bearing on this question. I realize that for some the whole question of naturalization has been regarded as a rather esoteric matter. That is only true because so much attention has been foucssed on the drama of immigration. Nonetheless, since federal records have been more systematically collected, beginning in 1907, 13,000,000 people have been naturalized - made American citizens - and that is not an insignificant sum.

First, let me note that during the 1795 debate to increase the waiting time from two to five years, Congressman Samuel Smith, of Maryland, noted that the longer period was needed so that:

> prejudices which the aliens had imbibed under the government from whence they came might be effaced and that they might, by communication and observance of our laws and government, have just ideas of our constitution and the excellence of its institutions before they were admitted to the rights of a citizen.

However, it must be emphasized that five years was no magic number. It was seen at that time as a necessary period of apprenticeship - and, some might say, of probation. But I would submit that the rationale for five years is of limited value today.

There are, as is known, exceptions to the five year rule, and acculturation cannot always be presumed to have occurred in all such cases. Spouses and children of citizens and members of the armed forces need not wait five years. In fact, during periods of war time since World War One, foreigners serving in the armed forces could, in most instances, apply for immediate naturalization, however long they had been in this country.

More crucially, as opposed to the style of life some 190 years ago, we Americans are not now as dispersed nor as isolated as our forebears were. We are SATURATED WITH MEDIA - in many forms and languages - media that expose resident aliens to our culture and institutions all the time. Consequently, ACCULTURATION CAN NOW OCCUR FAR MORE RAPIDLY. I say "can" because, predominantly, personal factors play a critical role in the individual's receptivity to American citizenship. Such receptivity is not uniform and it certainly varies among ethnic groups.

What is vital in this decision making process is the immigrant's inclination, motivation, needs, goals, and perception of the value of American citizenship. Immigrants interested in acquiring American citizenship will be more responsive to acculturating forces and will be more inclined to take advantage of a shorter waiting period. They will do so for, among other

reasons, political/personal security here and abroad; job opportunities; the right of political participation; for more rapid family reunification; and for patriotism toward their adopted country.

Immigrants uninterested or ambivalent will, I believe, be little more inclined to seek citizenship here whether the waiting time is three years or five years - especially, if that is the only change made! I argue this point because my research has revealed consistent patterns: Not just Latinos but Canadians and Europeans have (the latter for at least the last two decades; the others longer) had lower and slower rates of naturalization.

Allow me to cite three types of data to suggest the presence of real differences among ethnic groups as well as shifting patterns since the 1960s: Special naturalizations; general naturalizations within 4 1/2 [4 3/4 after f.y. 1976] and 8 1/2 years [8 3/4 after f.y. 1976]; and general naturalizations approximately 12 years or more after lawful admission.

1) Special naturalizations: Between 1958 and 1968, three-fourths of those so eligible sought citizenship in less than five years, ranging from three-fifths of North Americans to nine-tenths of Koreans. Between 1968 and 1976 only three-fifths of all those eligible were naturalized but only 47% among Europeans and 39% among North Americans. Nonetheless, three-quarters of all eligible Asians did apply, including 87-88% among the Chinese and Koreans. By 1978 the proportion among non-Asians applying was down to 55% compared with 88% of all Asians, most notably 96% of eligible Koreans and even 77% of eligible Filipinos.

2) Concerning the 4 1/2 - 8 1/2 year waiting period (general naturalizations), between 1969 and 1978 one half of all new citizens were naturalized: 41 - 45% of Europeans and persons from the Americas versus 65% of Asians, particularly 58% of Koreans, three-fifths of Filipinos, three-fourths of the Chinese, and four-fifths of all Asian Indians.

3) With respect to the long waiting period of approximately 12 years or more, between 1969 and 1978 one-fourth of all new citizens had waited that long, but 31% of North Americans and one-third of Europeans were compared with merely 7.7% of Asians.

Were these figures skewed by the fact that Asians were just arriving in large numbers and fewer had been present for so long? In order to resolve this, I have taken a quick look at the published 1985-1987 statistics for general naturalizations, which now comprise some ninety percent of all naturalizations:

4) The 4 3/4 to 8 3/4 period, 1985-87, included 47% of all new citizens - 43% of the Europeans, 27% of North Americans, 31% among those from the West Indies, and 39% of Central and South Americans BUT 62% of all persons from Asia and the Middle East ["Asia" as categorized by the INS]. More specifically, only 19% of Mexicans and 20% of all Canadians fell within this early period, as did 28% of Dominicans, 29% of English persons, 31% of Greeks, 45% of Poles, and merely 19% of Cubans and 14% of Italians!! However, 47% of Koreans, 60% of Filipinos, 66% of Iranians, 71% of the Chinese, 78% of the Vietnamese, and 85% of those from the Soviet Union had been given citizenship during this waiting period.

5) Among those waiting 12 years of more, 1985-87, one still finds one-fourth of all new citizens, 37% of Europeans, nearly one-third of those from Central and South America, 48% of West Indians, over half of all North Americans, but only 7.9% of Asians. In terms of individual nationalities, we find 31% of

Poles, 49% of the Portuguese, half of the British, two-thirds of Italians, 58% of Mexicans, 64% of Canadians - and 65% of all Cubans. Yet, we still find merely 6% of Koreans, 10% of Filipinos, and 15% of Asian Indians.

Thus, where such groups are eager for citizenship, this nation SHOULD reward them and encourage their political adherence, their integration, their loyalty, their new American identity, their sense of belonging, their security, their quest for opportunities - in other words, the ties that bind this nation.

For those who defer seeking American citizenship, a shorter waiting period MAY encourage some to apply sooner, but you need to recognize other vital variables that come into play for such persons:

Their motives for migrating;

Their long-range plans and hopes for returning to their homelands;

Their attachment to their homelands and the extent of their visits there;

Their ideological motives, such as the hope for the liberation of their homeland by some versus the despair of ever returning by others;

The proximity of those homelands for some and yet the lack of perceived advantages of American citizenship - even the fear of acquiring it - by many, whatever the distance between homeland and the United States;

Ambivalence about American society and culture, or adverse experiences and/or limited success [or interest] in integrating here;

Such demographic factors as age, occupation, education, marital status and family size, residence location, and home ownership;

Particularly, fear of the INS, intimidation of its procedures and personnel, the absence of sufficient - and sufficiently clear - information, and the indifferent government promotion of the idea that the naturalization of foreigners is even desirable; and

Thus, the immigrant's perception that questions whether their citizenship is even considered important to Americans.

This brings me to the important issue of the implications of reducing the waiting period from five to three years, such as is the provision in Canada (and two years now in Australia):

I anticipate that such a change would result in more rapid economic and political integration for those groups more inclined to take advantage of the change - and possibly a political advantage to the political parties more likely to attract those groups.

I would expect a short term acceleration in the number of applicants for citizenship.

More importantly, given the fact that during the 1980s alone just about half of ALL immigrants admitted to this country were relatives of American citizens, I would expect a substantial increase in the number of relatives of citizens applying for admission to the U.S. (although this could possibly be partially offset by provisions in S.B. 358 establishing a fixed ceiling eventually).

Even given all these points, the basic advantage to those eager to become American citizens and to the nation itself make the reduction in the waiting time desirable and timely.

I say timely because SUCH A REDUCTION IN WAITING TIME SHOULD BE TIED TO GENERAL REFORMS OF THE U.S. NATURALIZATION SYSTEM THAT OUGHT TO BE INCORPORATED IN THE PRESENT LEGISLATION:

Reduce the waiting time to three years AND
Eliminate the provision for special naturalizations as unnecessary in most instances;
SEPARATE THE NATURALIZATION SERVICE FROM THE IMMIGRATION BRANCH, AS WAS ORIGINALLY THE CASE;
Enhance and promotev the desirability of citizenship more than is currently proposed and provide adequate funding for such activities;
Publicize well the newly separated Naturalization Service and the value and importance this nation places on the acquisition of American citizenship as proclaimed by that separation of the two services;
Publicize this nation's wish that the immigrants we welcome to our shores should become full members of our political community;
Overcome the immigrants' fears and anxieties regarding the application procedure by simplifying those procedures and the forms, reducing the fees, revamping the offices where prospective citizens are met and processed, and making the whole experience so pleasant that the word will get out to others;
Provide citizenship identification cards for newly naturalized citizens, whose citizenship - especially Latinos - is more often questioned by law enforcement personnel and employers; and
Finally, complete the computerization of the administrative and record keeping processes and standardize nationwide the examination procedures and questions.

In other words, the government must finally recognize that any actions that dissuade, discourage, or deter our own, legally admitted immigrants from seeking American citizenship are self-defeating and undermine the objective of admitting such persons in the first place nad, especially, are contrary to our political maxim of E Pluribus Unum.

We need to focus attention on the value of citizenship and not dwell only on whom we welcome but on what we do to and for those newcomers AFTER the welcome. (And this has little to do with assistance to refugees or other such programs.)

Thus, to conclude, we need integration without coercion, acceptance without conformity, a citizenship policy that reaches out to newcomers and acknowledges and recognizes the momentousness of their decision to switch loyalties - a policy that encourages and rewards those who eagerly seek American citizenship by making their experience of applying for such citizenship more enjoyable, stress-free, and memorable - and available in a shorter period of time.

Thank you.

STATEMENT OF PROF. REED UEDA

Mr. UEDA. I have a written statement which I would like to read from. I am a historian, like Dr. Barkan, and my statement is slightly different, though. I just wanted to try to throw light on the question of reducing the minimum residency requirement by taking a look at the history of our immigration policy in a little more depth.

The procedure for naturalizing aliens in the United States was established by a series of congressional statutes passed in the 1790's. The first Federal naturalization law in 1790 required that applicants be any free white person who had resided for 2 years within the limits and under the jurisdiction of the United States.

This naturalization period became a political football. Fearful of the political support given by aliens to the Jeffersonians, the Federalists secured the passage of a law in 1795 that raised the residency requirement for naturalization to 5 years. In 1798, the Federalists obtained another aggressive upgrading of the residency requirement to 14 years. The shifting tides of national politics, however, thrust the Jeffersonian Republicans into power and in 1802 they reduced the residency requirement to 5 years, where it has remained since.

Throughout the 19th century, policymakers and their constituencies were generally satisfied with the 5-year requirement. The basic reason seems to have been that few advantages accrued to lowering the legal minimum. Most States and territories eager for population gave to aliens as a migration incentive virtually the same rights as citizens, including the franchise. Little was gained by naturalizing quickly. The immigrant who wanted to naturalize before satisfying the residency requirement often could. The administration of naturalization was infamously corrupt and lax in the 19th century and many were naturalized fraudulently.

But by the early 20th century, State, municipal, and Federal laws increasingly separated the status of aliens and citizens. Aliens had inferior rights with respect to employment and property ownership. Alien suffrage was abrogated after World War I. The basic cause for this policy shift was the growth of a consensus that the new immigrants coming from southern and eastern Europe and Asia were hard to assimilate. They had to be treated as a separate class until they were properly socialized. The result of the derogation of alienage was that citizenship became more valuable and thus more desirable to obtain quickly.

Congress provided citizens with special immigration rights not available to aliens. After 1924, they had the right to obtain admission for their nonresident spouses and children above new quotas. Naturalized citizenship became a potential device to reunify families. For Italian new citizens, for example, who frequently had spouses or minor children in the home nation, this right made naturalization highly desirable. Also, before a spouse and children joined him, the immigrant could return for long visitations, assured that because he was a citizen, he would be able to return to America without fear of exclusion.

Despite the increasing advantages to possessing citizenship, a major movement for reducing the 5-year residency requirement did not develop. This outcome may have owed to the greatly reduced

flow of immigration after the restrictionist laws of the 1920's that lasted until 1965. There were not enough immigrants to constitute a powerful interest group or a powerful issue. Generally, no social, political, or economic need among the alien population was deemed by policymakers to justify raising a strong political movement for faster naturalization.

Furthermore, since 1802, the 5-year minimum worked out, at least in the eyes of policymakers, as an adequate probationary period for establishing the civic and linguistic qualifications for naturalization. Although many immigrants acquired a basic knowledge of English, American history, and civics sooner, 5 years had proven not unreasonably long as a minimum learning period, especially for non-English speakers and those who came from undemocratic states.

The proposal to shorten the residency qualification, as I understand it—and I haven't really looked into this very much; I have only—these thoughts are hastily put together, by the way—has the instrumental purpose to reduce the visa back load caused by family reunification applications.

I suppose the theory is to create a safety valve out of earlier naturalization. As aliens naturalize faster, they will be able to bring in family members above the quota limits, and thus relieve the visa backlog faster. But it should be remembered that if the proposal seeks to promote family reunification this way—by the way, this is a goal I support—it will only work if aliens can pass the exam. Since applicants will take 2 years less time to prepare in the case of the most efficient use of the naturalization safety valve, and because people naturally tend to learn more over time, it is logical to expect many applicants will not be as prepared for naturalization in terms of linguistic, historical, and civic knowledge.

Therefore, shortening the residency requirement may produce a higher rate of failure. The desire to avoid this possibility could tempt policymakers toward a revision of the qualifications for naturalization or the examination itself. I, myself, am open to looking at the qualifications and the examination.

If this happens, policymakers should be prepared to reconsider how important is preparation for citizenship in these measurable linguistic and civic educational terms, what it consists of, and how it should be tested. Reducing the residency period inescapably affects the role of linguistic and civic education in naturalization.

Finally, reducing the residency period may disproportionately help some immigrant groups achieve family reunification sooner. I offer this with the idea in mind that this is the principal instrumental purpose to promote family reunification.

Judging from the fact that Asian immigrants already naturalize at the fastest rate, they would be given further advantages for family reunification by the new proposal, and other immigrants who, for various reasons, cannot pass the exam sooner might not be helped at all in getting family members off the visa backlog. It could raise an equity issue. Critics might charge that the 3-year residency period favors immigrants who have the advantages needed to pass the exam quickly, leaving others to wait as long as ever for family reunion.

In conclusion, I have tried to provide a historical perspective, a sketchy one, to show that in the past the 5-year residency requirement was felt to function adequately. I have discussed some possible repercussions of shortening the minimum residency requirement as a safety valve for backlogs to show that it is no simple question. The residency requirement is connected in a subtle way with who gets citizenship and how they qualify.

I would hesitate to enact the proposal without further study of its effects, but I remain openminded—and let me underline that—I remain openminded about its potential usefulness in our new era of immigration, with its unique exigencies.

Senator SIMON. Thank you.

Dr. Pachon.

STATEMENT OF HARRY PACHON

Mr. PACHON. Thank you, Senator Simon, Senator Simpson, members of the Judiciary Committee. The National Association of Latino Elected and Appointed Officials—NALEO is our acronym—appreciates the opportunity to discuss our Nation's naturalization program——

Senator SIMON. And let me just add, we will put your full statement in the record.

Mr. PACHON. I was just going to ask permission for that. Thank you.

NALEO is an organization that is a nonpartisan civic affairs Hispanic organization. We neither solicit nor accept government funding. But, yet, over the past 4 years we have had a multi-million-dollar citizenship project which has been trying to promote U.S. citizenship amongst our legal immigrants.

We have done applied and basic research on U.S. citizenship. We have also run a hot line, which has been called by over 150,000 immigrants from more than 66 countries. It is our research, as well as the results of our hot line callers, that serves as the basis of my testimony here today.

Before discussing our research findings, however, I would like to point out to members of this subcommittee that you and your counterparts in the House are one of the few constituent groups that U.S. citizenship has in this Nation. The natural constituents of naturalization, the legal immigrants, are unable to be an effective voice on the part of naturalization because, after all, they are not enfranchised and they view the INS as a powerful force that has discretionary power over their legal status in this country.

As a consequence, the INS has overlooked the "N" in its initials and is a stepchild of the agency. Only 1 out of 10 dollars goes to naturalization within the agency, and repeatedly INS officials concentrate on immigration enforcement issues before this and other committees of Congress and overlook the valuable service that they provide to hundreds of thousands of immigrants who wish to become Americans by choice.

In NALEO's opinion, the fact that naturalization is overshadowed by the Federal agency that has the sole responsibility for naturalization is unfortunate; all the more so when we see that the naturalization demand has been growing in this country.

I would like to ask Ms. Maria Pincon, who is one of our citizenship staff people, to bring some charts that we would like the committee to look at very briefly. The first chart that Maria will be putting up for your observation is the number of persons who are applying for naturalization in the past 10 years, and what we see here is that naturalization has been increasing for the past decade.

Yet, this chart does not include the fact that over 150,000 people each year are rejected by the INS who apply for citizenship. These people are rejected because they don't fill out their INS forms correctly or because when they are at the exam they aren't able to master all the provisions of the exam process itself.

The 1-percent failure rate that the INS has consistently told this committee over the past couple of years are those individuals who fail officially. They go before the judge and the judge makes a determination that they indeed do not know either English or enough civics. The other 20 percent who fail arbitrarily, as determined by bureaucratic discretion, aren't coming under the official failure categories.

I would like to point out to members of this committee that using the INS' own statistics, NALEO has been able to show that this rejection rate by office varies by region. In Chicago, Senator Simon, 18 percent of naturalization applicants are denied the first time they apply for U.S. citizenship. In contrast, in Newark, 28 percent are denied, while in Los Angeles 9 percent are denied.

In our opinion, this points out that the citizenship process is a highly arbitrary process which varies by region, if not by the administrative sytle of the INS district commissioner.

Naturalization activities at the present time are also handicapped by two other factors, and there has been a decline in that chart between 1986 and 1987 because of IRCA. We would like to point out through the second chart that most of the decline comes from States where the highest number of amnesty applicants applied for legalization.

So, if you look at the big drops there, you see that, you know, California, Texas, and New York constitute—if we look at all those States, they constitute something like 90 percent of all the cases that declined over a 1-year period. To us, that demonstrates that INS had to take its limited resources and move them away from naturalization into IRCA.

Finally, this committee has addressed a substantive problem of the backlogs, and our research shows that the backlogs are a little bit longer than what the Commissioner indicated. As you can see, these figures are based on calls to district offices and they do not show the 1-month period that was mentioned earlier in the committee.

As a result of our research, we strongly support Senator Kennedy's authorizing $1 million to community outreach. There are a host of activities that INS could undertake. Printed materials could be put out by the INS outlining the responsibilities and obligations of U.S. citizenship. Regional and national contact points where immigrants could contact the INS insofar as citizenship information could be established.

We also support Senator Simon's provisions of the 65–10 rule, supplementing the 50–20 rule. When we do our citizenship drives,

we notice that about 10 percent of our applicants who go through NALEO citizenship activities are over 65. In fact, they range as high as 81 years of age. The elderly wish to become U.S. citizens and the 65–10 is a very positive provision in this light.

As well, we enthusiastically support the move from 5 years to 3 years. Presently, there is confusion in the immigrant community. We get many people calling NALEO and asking, I am the wife of a U.S. citizen; can't I apply in 3 years? My friend is in the military; he has applied in 3 years. Therefore, a uniform standard would eliminate this confusion.

And, finally, we also support the administrative option of naturalization. Regrettably, even though the court ceremony is a very positive event, for the immigrant there are delays, as that second chart shows, in scheduling naturalization ceremonies.

The provisions included in both bills are positive steps that will do much to improve this country's naturalization process. I would urge members of the committee, given INS' natural tendency to focus on immigration law enforcement rather than the naturalization provisions, that the more specific you can be in your report language, the better it will be for naturalization activities; for example, standardization of the citizenship exam.

I know that I have run out of time, so I will just be very brief. We were told that there is a list of standardized questions, but, Senator Simpson, we get calls from people who have applied for the citizenship exam who tell us that they have been asked what is Governor Cuomo's wife's first name. How many pilgrims landed at Plymouth Rock? Now, these are a small number of cases, but a standardization of the exam would do much to overcome these abuses at the present time.

We would also ask INS to inform applicants that they failed in a uniform manner. Many times right now, applicants do not know why or how come they failed the process. Finally, we would ask that the committee consider establishing regional INS citizenship outreach offices.

Naturalization is a value to all of us. We can all agree on its positive aspects to American society. All of us at NALEO wish to commend the committee for specifically focusing on citizenship at this hearing. We look forward to working with you on this vital piece of legislation.

Thank you.

Senator SIMON. Thank you very much.

[The prepared statement of Mr. Pachon follows:]

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National Director
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Elected and Appointed Officials (NALEO)
and Kenan Professor of Politics
at Pitzer College in Claremont, Calif.

Before the Senate Judiciary Committee
Subcommittee on Immigration and Refugee Affairs

Thursday, June 15, 1989

Chairman Kennedy, Senator Simpson and Senator Simon, the National Association of Latino Elected and Appointed Officials welcomes this opportunity to discuss our nation's naturalization process and ways to improve the current program.

NALEO is a Hispanic non-profit, non-partisan civic affairs research organization that focuses on issues that have an impact on the nation's growing Latino community. NALEO's members include the more than 3,300 Hispanic elected and appointed officials and their supporters throughout the nation.

During the last four years, NALEO has been undertaking an ambitious national research and demonstration project on naturalization. This project, which is the only one of its kind, has included the operation of a toll-free U.S. citizenship hotline which has received more than 150,000 calls in the past three years. Indeed, it has received more than 50,000 of

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those calls in the last 10 months. NALEO's hotline has provided basic information on U.S. citizenship to people from more than 66 countries of origin. As importantly, callers from all these nations have given us at NALEO an understanding of the problems that immigrants face when they have made the decision to become U.S. citizens.

Today, as this subcommittee knows, there are more than 6 million legal immigrants with resident status living in the United States -- 4 million of which are of Latin American origin. Additionally, 3 million amnesty applicants could be added to this group as a result of the recent legalization program. While these legal residents work, pay taxes, contribute to the economy, raise families and serve in the armed forces, they are not fully a part of our society because of they are not U.S. citizens. They cannot serve on grand juries, they are barred from certain government and private sector jobs and they cannot fully participate in the Social Security program they are paying into.

Mr. Chairman and members of the Subcommittee, I would like to start by saying that NALEO is pleased that the naturalization provisions have been separated out of the major legal immigration reform bills currently under consideration by the Senate. This action will allow this crucial issue to be examined and debated for the benefit all Americans and would-be U.S. citizens.

I would like to focus my comments on a few problem areas within the naturalization program, and then discuss some of provisions of Senate bills on naturalization.

Today, U.S. citizenship is the stepchild of the Immigration and Naturalization Service (INS). Since the Bureau of Naturalization was merged with the Bureau of Immigration in 1933, U.S. citizenship has

been overshadowed by its big brother -- immigration enforcement. In 1989, only about 10 percent of the INS budget was earmarked for naturalization.

Money aside, the naturalization situation is not improving. In fact, it is getting worse. NALEO research into INS naturalization statistics indicates that the number of adjudicated U.S. citizenship cases declined in fiscal year 1987. For example:

o In California, 105,284 legal permanent residents received U.S. citizenship in FY 1987 -- a 21.5 percent decline from the previous year.

o In Illinois, the number of people granted U.S. citizenship dropped by 47.2 percent.

o In Florida, the drop was a startling 60.5 percent.

o In New Mexico, it was an unbelievable 99.5 percent drop.

This deplorable decline in the number of U.S. citizenship cases has not resulted from a lack of demand. Part of the explanation may be that the INS has shifted staff and other resources away from naturalization to accommodate the legalization program. Equally important, naturalization has not been a priority of the INS during the past few years. In fact, during a recent hearing in the House of Representatives on the INS, naturalization was only briefly mentioned in the testimony, while enforcement activities dominated the comments.

Naturalization is plagued with other major problems. Two issues have been most notable in the INS processing of naturalization cases: backlogs; and the rejections of a large number of non-files and returns of applicants.

Backlogs

Permanent residents seeking U.S. citizenship are confronted with a set of bureaucratic obstacles that may cause huge delays. During the past four years, NALEO has monitored the waiting times for citizenship examination (the initial step of the process) and the actual court ceremonies in key states. NALEO's figures, which are based on information provided by INS district offices, show extreme delays that cause frustration and disappointment among applicants. For example, applicants in the following cities could expect the following waiting times:

Office	Interview	Ceremony	Total
Dallas	12 Months	12 Months	20 Months
Houston	12 Months	10-12 Months	22-24 Months
Los Angeles	3-6 Months	6-12 Months	9-18 Months
Miami	10 Months	2 Months	12 Months
New York NYC, Bronx & Brooklyn	4 Months	6 Months	10 Months

Source: NALEO Education Fund, June 1989.

Bureaucratic delays can make a person who has been a permanent resident for five years wait up to another two years beyond that statutory timeline. Of what value is it to our society for immigrants to be required to show their commitment to our country by standing in line, sometimes repeatedly, and enduring red tape?

Non-Files

NALEO recently told the House Subcommittee on Immigration, Refugees and International Law about a hidden problem in naturalization - the problem of applicants who do not obtain

citizenship and are categorized as "non-files" and "returns." While the INS maintains its official denial rate is 1 percent, NALEO research has discovered it that the actual percentage of applicants who do not complete the naturalization process is closer to 33 percent.

Under the bureaucratic categories of "non-files" and "returns," more than 150,000 permanent residents seeking to become U.S. citizens are turned away each year at the time of their first application. The high rejection rates are due, in part, to the difficult INS naturalization forms -- the N-400 and G-325. These forms are complicated to understand, have poor and vague instructions and are essentially not "user friendly."

NALEO is currently working on a recommended naturalization form that is clear, concise and provides the immigrant with the necessary informational tools to pursue U.S. citizenship. When completed, NALEO would gladly submit a copy to this Subcommittee.

Another reason for this large number of rejections may be the fact that permanent residents are not told by the INS what the requirements are to become a U.S. citizen. I will discuss this aspect later in my testimony.

Suggested Senate Solutions

Bills introduced by Senator Kennedy and Senator Simon contain naturalization provisions that would make the naturalization process less confusing, as well as enhance the INS' ability to better promote U.S. citizenship.

Senator Kennedy has twice introduced legislation that contains authorization for up to $1 million for outreach activities. NALEO is pleased to have worked closely with the Senator's staff during the

early phases of that provision.

Today, the United States does nothing to promote the responsibilities and opportunities of U.S. citizenship. Permanent residents spend years, perhaps a lifetime for some, without being told of U.S. citizenship. Many would gladly take the step towards U.S. citizenship if the government were not so timid about its promotion.

When NALEO started its naturalization outreach program, it was told that Latino legal residents just were not interested in becoming U.S. citizens. NALEO was told that the Hispanic foreign born did not seek U.S. citizenship because they would eventually return "home." Those arguments have been unfounded. Millions of permanent residents call the United States "home," and they plan to continue residing here.

Naturalization promotion does work in encouraging people to seek citizenship information. NALEO, which operates a national and California-exclusive hotlines, has received more than 150,000 calls in three years. In addition, NALEO, along with the nation's largest Spanish-language network, Univision, released a series of public service announcements that promote the opportunities and responsibilities of U.S. citizenship. The results were overwhelming: In December 1988, NALEO received approximately 20,000 calls; in January 1989, more than 30,000 calls were received by NALEO.

Senator Kennedy's provision would pave the way for the INS, or community organizations, to take the initiative in information dissemination. This provision is essential to starting any serious naturalization outreach effort.

Naturalization Uniformity

Senator Simon's naturalization proposals would make several important changes to the current process that would create an efficient and less confusing process. It also continues to reinforce our nation's high ideals of citizenship and full participation by legal immigrants.

Senator Simon recommends a uniform three-year waiting period for U.S. citizenship. Currently, legal immigrants must wait five years before applying for U.S. citizenship, or three years if they are currently married to a U.S. citizen. NALEO strongly supports this uniform time period for reasons that benefit both the applicant and the nation.

The five-year waiting period is both arbitrary and confusing. Since the current naturalization process allows some people to become U.S. citizens in three years, while making others wait five years, this unnecessary inconsistency creates confusion and problems in the initial filing stages. For the INS, this uniformity would make the bureaucratic process a little easier.

65-10 Rule

To become a U.S. citizen, an applicant must pass an INS-administered oral and written exam that tests their knowledge of U.S. civics and English. In the early 1950s, a naturalization provision was made to allow people older than 50 and who have been permanent residents for 20 years or more to take the test in their native language. This is known as the 50-20 rule, and it has been very beneficial to many older permanent residents.

Senator Simon has taken the positive step of creating an additional rule that will benefit another segment of older residents

by permitting people who are older than 65 and have been permanent residents for 10 years or more to take the naturalization test in their native language.

Certainly many of the older residents that would benefit by this rule may have a limited understanding of English, and they may be more comfortable taking the test in their native language. Concerns about the interview examination have been raised during calls to NALEO's toll-free hotline. Many of the older callers say they are nervous about the interview process, and their anxiety is compounded by their limited English skills. If they do not qualify for the 50-20 rule, they may not become U.S. citizens. That is wrong, and our nation's older residents deserve better treatment.

Some of these people be currently enrolled in classes. Certain cognitive obstacles to learning a second language at that age may prevent the elder resident from ever obtaining a sufficient amount of English to meet the INS examiner's language expectations.

It is a matter of courtesy towards older residents who seek to become full, active members of the United States. Creating a 65-10 rule in addition to the 50-20 rule would benefit a pool of people that the United States considers to be a valuable resource -- their older residents.

Administrative Naturalization

NALEO has long believed that a fair administrative naturalization process could help to relieve the current processing backlogs and provide many permanent residents with the dream they seek, becoming a U.S. citizen.

Administrative naturalization could eliminate the delays in

scheduling a federal court appointment, which in some cities can be up to 18 months.

As we have told this Subcommittee and its House counterpart, these court delays are unreasonable and unnecessary. Administrative naturalization could eliminate it.

Under this process, people who have passed the naturalization examination could be sworn in by the INS during an administrative ceremony. This would be similar to the ceremony used by the armed forces.

Within the administrative naturalization process, there is a valid reason for maintaining some federal court involvement. If a person's application is denied by the INS, the applicant should be able to appeal the case to a judge.

Yet, for the large number of adjudicated cases that are ready for the ceremony, administrative naturalization process should be developed. The INS could develop a nice ceremony, at which time family and friends could attend.

Conclusion

U.S. citizenship is the often overlooked obstacle to social, economic and political advancement of law abiding, taxpaying permanent residents. Today, one-third of adult Hispanics cannot vote, serve on grand juries or participate fully in the society they live in only because they are not U.S. citizens. While some permanent residents may opt to retain their current nationality, many more are interested in becoming U.S. citizens. Naturalization should be accessible for all people, and today's legislation takes steps to make that a reality for many more people.

Thank you for this opportunity to submit testimony.

Senator SIMON. I am going to call on Senator Simpson first because he has another meeting to go to. But one of the points that came up here that I think most Americans don't realize is the phenomenon of people who are not citizens of the United States not being able to vote is a relatively recent phenomenon.

That was so in the State of Illinois. In fact, in the State of Illinois the secret ballot is a relatively recent phenomenon. You can go back and see exactly for—Abraham Lincoln had to go in and tell the clerk of the polling place who he was going to vote for for each office, and it is recorded there.

Senator Simpson.

Senator SIMPSON. Except in Cook County. [Laughter.]

Mr. Chairman, I thank you. I do have to skip away, and you are kind to do that. Let me just ask a question of each one and then I will be on my way and submit the rest of them in writing.

Professor Barkan, if we changed the naturalization residence period from 5 to 3 years, will the percentage of aliens who naturalize increase by any substantial amount?

Mr. BARKAN. The percentage naturalized, yes.

Senator SIMPSON. Who naturalize.

Mr. BARKAN. Who are naturalized——

Senator SIMPSON. The percent of aliens who naturalize—will that increase by any substantial amount?

Mr. BARKAN. I would—well, certainly, in the short run you are going to see that because of those who would already have met the 3-year residency requirement. If you speak about in the long run, I think it really is tied in with the kinds of reforms I have referred to and which Dr. Pachon has also referred to.

I think that much more needs to be done to make it a desirable process, one that is not intimidating, one that is not so confusing to immigrants. Therefore, in and of itself, it would not substantially increase the number of persons seeking naturalization in the long run because, as I emphasized, it is going to appeal to those who are already inclined to seek citizenship and not to those who, for various reasons, are disinclined.

Senator SIMPSON. One of the interesting things in our previous work on immigration was that I think the figure, at least 5 years ago, was that 85 percent of those from Mexico who have permanent resident alien status in the United States do not naturalize, an interesting figure. That is what it was 5 years ago. I don't know what it is now.

Let me ask Professor Ueda, you note in your statement that you would hesitate to enact the proposal for a 3-year residence period for naturalization without a further study of its effects.

What types of specific studies would you recommend we conduct or that we pursue as subcommittee members, or have experts such as you and others conduct for us?

Mr. UEDA. Well, I think those words probably need to be amended. I didn't mean studies like experimental studies designed to take place in the next few years. What I really meant was study in the sense of discussing the question much like we are doing now.

I did not have much time to throw together ideas to make a firm recommendation. I am enlightened by what Dr. Barkan and Dr.

Pachon have said today, for example, and I think I agree with some of the points they brought up about broader reform.

And I thought that today was an opportunity just to get some—to discuss what the potential ramifications might be and the kinds of assumptions that underlie the naturalization process and the residency requirement.

There are certain assumptions about assimilation, as you have mentioned, Senator Simpson. I would say you might be able to phrase it that some policymakers thought that this minimum period was the period necessary for the immigrant to get to know this country and for this country to get to know the immigrant. Maybe that is another way to phrase it.

I shy away from a kind of rigid formula for what constitutes education or assimilation in these demonstrable terms. The reason I say that is not out of my personal view, but because it seems to me that if you look at what the legislators and scholars were saying about American citizenship and naturalization since the 19th century, it appears that what they really wanted was some kind of minimal demonstration of interest in learning English, of interest in history and civics—minimal and acceptable. They wanted to see, you know, interest and commitment, I think, expressed in these ways rather than passing a civics exam, you see.

So, anyway, this is the kind of discussion about assumptions and history and the kind of research, for example, that Dr. Barkan is doing, which I think is very fine, that I meant by the term "study," basically.

Senator SIMPSON. OK. I thank you, and just a final question now of Dr. Pachon. And I wanted to say that those questions I submitted for the record—and I will be glad to give you a copy—were not really standardized questions. Those were a list of "sample questions"—you know, "who is the President of the United States;" "name one of the two Senators from your State;" you know, "what are the colors in the flag."

We are not talking about Matilda Cuomo in here. She is a lovely lady. I have met her. [Laughter.]

Matilda is her name. Did you know that, Paul?

Senator SIMON. Yes. [Laughter.]

We will qualify you for citizenship.

Senator SIMPSON. And she is a very unique woman. Enough of that.

You described the 5-year period as arbitrary, and yet a 3-year period would be arbitrary as well. In fact, any period would be arbitrary, and yet we all agree we must have some residence requirement.

Sir, what are the most compelling reasons in your mind for a 3-year period that would change a law that has been on the books for 187 years?

Mr. PACHON. I think it would show a positive move of welcoming the immigrant into full integration into American society. These individuals want to become Americans by choice.

Our studies show that it is only like about 1 or 2 percent of the immigrants who will become naturalized that very first year that have the opportunity to do so. So, there would be a blip of increased naturalizations if we changed from 5 to 3 years. But it

would be a positive message of encouraging integration of the immigrant, who has made this country what it is today at the present time, into American citizens.

Senator SIMPSON: Well, I appreciate that. My only concern—there are several, but one would be that we don't shorten it and then lead aliens into disappointment when they are not ready and can't pass a test. They might not have the time to get to that point. Many are fearful and embarrassed and all the things that go with that.

I have some additional questions, Mr. Chairman, that I would like to submit to the record.

[Responses to questions submitted by Senator Simpson follow:]

RESPONSE TO WRITTEN QUESTIONS
SUBMITTED BY SENATOR ALAN SIMPSON
TO PROFESSOR ELLIOTT BARKAN

QUESTION: Some proponents of a change to three year naturalization argue that such a change will benefit aliens who now have 2nd preference petitions pending for their spouses and children. Once these aliens naturalize, their spouses and children may immigrate immediately. The 2nd preference backlog from Mexico is particularly long, approximately ten years. If we change the naturalization period to three years, will a large number of Mexican nationals naturalize and thus be able to bring in their close family sooner?

Regarding the second preference backlog and the question of Mexicans seizing the earlier waiting period to bring such persons in: I would say without qualification that the historical pattern does not support such a conclusion because a large proportion of Mexicans eligible for citizenship have consistently put off applying rapidly. If an eagerness to bring in family members were so prevalent then why would 58% of those Mexicans naturalized during FY 1985-87 have waited 12 years and more? Of course, some would take advantage of the change and, of course, some family relatives in Mexico would be eligible for admission sooner, but the most likely upsurge is not among Mexicans but among others already most receptive to American citizenship. In addition, the proposed cap on total immigration would stem, or stifle, some of the effects alluded to.

The economic conditions in Mexico are so complex and yet the strong sentiments for return are so persistent that it is difficult to see a major change in Mexican patterns with an alteration only in the waiting period - to say nothing of the fact that the contemplated surge (shifting from Second Preference to non-quota spouses and children, etc.) would be short-term, unless one conjectures or factors in the long-term rippling effect of subsequent earlier citizenship and then other relatives becoming eligible. [One caveat, however, is in order: If, indeed, there is a newer trend among Mexican immigrants that involves a growing number of urban and middle class persons, it is possible that their response may be different, but so, too, would their economic and political roles here.]

More importantly, and especially with respect to Mexicans and other Latinos, I firmly believe that a shorter waiting period needs to be tied to general reforms in the entire Naturalization process, including separation of Immigration

from Naturalization, reduced fees, more pleasant environments and congenial personnel, more consistent exams, and citizenship cards for new citizens (especialy Latinos, who are more often stopped by police, Border Patrols, etc.). I believe that it would have definitely favorable diplomatic as well as favorable domestic reprecussions if we made our procedures more inviting and more civilized - as Canada has done - so that the foreigners who do reside among us and who might consider American citizneship will be less intimidated and fearful of applying and will perceive that their membership in the American polity is desired and their citizenship encouraged.

QUESTION: I am interested in your descriptions of how different nationality groups display different behaviors regarding their residence in the United States. Could you elaborate on these different behaviors, and tell the Subcommittee whether most immigrants who come to the United States with permanent resident alien status actually intend to live in our country permanently?

Regarding the long term intentions of foreigners with respect to remaining in the U.S.: I would first note that Robert Warren (Statistics, INS) and probably Jeffrey Passel (Census Bureau) have explored this question. Since the government stopped keeping statistics on emigration in 1957, determinations on this issue have involved various complex estimates and calculations. Certainly, the literature on immigration still confirms that some groups particularly those from the Caribbean and the Americas, often come here with the intention of returning home. True, too, is the fact that many from other nations will live their working years here and retire on Social Security to their homelands, including Ireland, Poland and Italy.

Simmilarly, political and economic conditions in many countries do play a part here, for even permanent residents - who may have sought such a status for protection - may contemplate going back if those conditions improve; I do believe this is a factor in the slow pace of Cuban applications for citizenship, for example. I suspect, too, that the economic prosperity of other nations, such as in Europe, has reduced the sense of urgency to sever political ties with the homeland, whereas the dearth of opportunities, such as in Ireland, Portugal, and South Korea, compel people to leave but not necessarily to switch allegiances, especially if remaining with one's original citiznehship could be advantageous economically (i.e., in terms of trade or, as is the case with India, the purchasing of

property there), or there remains a desire to be involved in homeland politics.

I recently did a study on immigrants in New York and compared the number of persons who said they were intending to reside in New York with the number of alien registrations in 1970 and 1980 and the number naturalized during the 1970s and found far more than half of those who were supposed to be there were in fact not there! While various statistical modifications might be done by demographers and certainly migration to other states cannot at all be ruled out, the literature does support my findings that many who acquired legal admission still returned home, for that was their long-range intention. Consequently, I stand by the observation that people who intend to return home will not be particularly inclined to seek citizenship just because the waiting period has been reduced. Those who want to integrate will acculturate sufficiently within three years given our present media saturation and these persons should be encouraged and rewarded, for they and the nation benefit.

Finally, one cannot ignore the fact that many foreigners, like Americans, are strongly attached to their homelands and cannot envision switching loyalties - even if circumstances bring them here. Improved naturalization processing facilities and a shorter waiting time will encourage more rapid applications among those more marginal or ambivalent in their sentiments as well as among those who need, or plan, to remain here is more clearcut - or their alternatives more limited, or non-existent, given conditions in their homeland.

RESPONSE TO WRITTEN QUESTIONS
SUBMITTED BY SENATOR ALAN SIMPSON
TO PROFESSOR REED UEDA

QUESTION: You state in your testimony that, with a general three year requirement, a higher percentage of applicants may fail the naturalization exam, and then pressure might build to make the exam easier. How difficult do you believe the present exam is? For example, sample questions include:
"1) How many states in the United States?",
"2) What is the highest court in the United States?"
"3) Who is now the President of the United States?",
"4) What do we celebrate on the 4th of July?"

I have not studied the current exam systematically, but it is my understanding that the principal tasks involve demonstrating a competence in the English language and civics. My impression is that the exam is moderately difficult, with the ability to speak and write basic English and history hinges, I believe, on the ability to learn enough English to understand these subjects and to communicate intelligently about them.

QUESTION: You note in your testimony that reducing the residency period to three years may help some immigrant groups gain family reunification more than it would help others. What groups might experience little or no benefit from this proposed change?

It seems logical to infer that the groups that take the longest time to naturalize would be helped least to reunify their families by this proposal. One can obtain this information by looking at INS data.

RESPONSE TO WRITTEN QUESTIONS
SUBMITTED BY SENATOR ALAN SIMPSON
TO DR. HARRY PACHON, NALEO

QUESTION: You assert in your statement that the "five year waiting period is arbitrary and confusing". However, this waiting period has been the law for 187 years, since 1802, and instead it has been the three year period (for spouses of citizens) that has fluctuated. If the five year period has been the law for so long, why is it "confusing"?

There is no applied or statistical research on the naturalization program dating back to 1802, and NALEO is unable to determine the actual impact of the five-year waiting period at that time. Today, there is confusion because we allow a five-year, three-year dual system of naturalization to exist.

The three-year period has proven it can work, and it should be afforded to all people who seek to naturalize. Spouses and children of U.S. citizens who have successfully met the naturalization requirements under the law -- which are simmilar for people who must wait five years -- have been recommended for U.S. citizenship.

Finally, in discussions with INS officials in Washington, D.C., and elsewhere, NALEO has been told that the three-year waiting period could be used for all permanent legal residents seeking to naturalize. People who seek additional time to prepare for the naturalization requirements may do so, but the three-year period would permit those permanent residents who want to become U.S. citizens the opportunity to pursue their dream.

QUESTION: You note that a large number of adult hispanics today are not citizens, but are eligible to apply. However, Professor Barkan noted that a change in the naturalization period alone, from five years to three, is not likely to substantially change the percentage of hispanics who naturalize. Is it not true that naturalization rates are much more likel, to be affected by other proposed changes to our naturalization laws, such as administrative naturalization?

As I recall, Professor Barkan mentioned that he would need to study this issue before he makes a definite statement.

Yet, is is correct to say that the single action in and of itself of changing the waiting period is going to create a surge of naturazalition. A uniform waiting period would be a great step forward in facilitating the naturalization process for all people seeking U.S. citizenship.

Fulfilling the dream of U.S. citizenship can be facilitated through various positive actions.

Among these actions is administrative naturalization, passed by this Chamber as part of the legal immigration bill, which would be beneficial in terms of reducing the cumbersome delays for court dates. As NALEO has mentioned in its testimony, court delays can easily double the waiting time for U.S. citizenship. In Houston, for example, it may take as long as 18 months before a court date is scheduled.

The Senate, as well as the House, have realized that U.S. citizenship delayed is democracy denied. They have separately approved administrative naturalization.

Senator SIMPSON. I also want to acknowledge and appreciate the work of Helen York, our minority chief clerk, and Stephanie Vroom, our intern. And I thank you for your usual courtesies to me, which have been nearly 20 years' worth, now. Thank you.

Senator SIMON. I thank you.

Let me just ask—Dr. Pachon answered this. And before you came in, Commissioner Nelson indicated he does not favor moving the procedure away from the courts, and Dr. Pachon indicates he does favor this administrative procedure.

The two of you, just a quick yes or no answer. Would you favor keeping it in the courts or an administrative procedure for citizenship?

Mr. BARKAN. From the immigrants that I have spoken to who have become citizens, in my own observation, they are enormously moved by the court ceremony. The administration process could be functional in certain circumstances if there is a very serious backlog. I certainly wouldn't want it to be any substitute for a court procedure, but I could see in certain circumstances where it could be beneficial if it was clearly noted that it is supplementary and not intended to replace the court ceremony.

Senator SIMON. Dr. Ueda.

Mr. UEDA. I think the administrative procedure could function as a backup under exigent conditions. I feel that the judicial proceeding is valuable in many ways and I think it should be retained.

Senator SIMON. Thank you, Senator Simpson, for being here. I appreciate it.

Senator SIMPSON. Thank you very much.

Senator SIMON. Just a couple of other questions. Commissioner Nelson, before you get out of here—you thought you were going to get by here. One of the witnesses suggested that we give printed materials outlining the responsibilities of citizenship. Do we do anything along that line?

Mr. NELSON. We do, Mr. Chairman. You know, I think we all agree that there is need for more outreach both by the INS and by the different groups here. I think a lot has been done. I think the legalization program is an example of how it can be done very well, and I think we would all like to see more of that.

We do have a lot of printed materials. There are updates constantly of the different training materials, and so forth. Certainly, more could be done in that area. I think we could all agree on that, but there are a lot of materials out there.

And I can't miss this opportunity, since you caught me going out, to say—it is a little off the track, but we have been working very hard to try to develop a center on Ellis Island as part of the whole development that would really focus on citizenship and our democratic ideals.

And I would hope we could get the committee and everybody else to really support that because I think that could give a lot of public attention to how valuable our citizenship is. We see that so much today in light of events in China, the Soviet Union, and other places.

But I think, to answer your question, Mr. Chairman, yes, a lot of material is distributed, developed, and updated regularly, and we would certainly like to expand that.

Senator SIMON. But is does seem to me that maybe just one simple folder on your responsibilities as a citizen could be given to each person after they are sworn in. I see somebody on your staff is going to answer this.

Mr. MILLER. Mr. Chairman, we currently have a document called "Welcome to USA Citizenship," which is perhaps not an exhaustive list for the new citizen that is given to them at the time of naturalization.

Another activity that we are now participating in is development of a new brochure prenaturalization, publicizing the benefits and responsibilities of citizenship, and that should be out some time later this year.

Senator SIMON. All right, great. We thank you both.

Mr. NELSON. Mr. Chairman, I would be very happy, and maybe would suggest that we provide copies of these basic materials to the committee.

Senator SIMON. I would appreciate getting one myself, and we will enter one—so long as it is not too lengthy, we will enter it in the record.

Mr. NELSON. I will distribute it. Thank you.

Senator SIMON. Thank you very, very much.

[Information follows:]

U.S. Department of Justice
Immigration and Naturalization Service

Naturalization Requirements and General Information

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General Information
Part I

This booklet provides information in brief and plain language about the principal requirements for naturalization; the special classes of persons who are exempt from some of those requirements; and what a person must do to become a naturalized citizen of the the United States. It also includes a brief discussion on how to obtain a copy of a naturalization or citizenship paper (part 5); how to file a declaration of intention, or, as commonly known, a "first paper" (part 6); and how to legalize an alien's residence in the United States so that he or she may be able to apply for naturalization (part 7).

The naturalization laws apply to both men and women and to all races. They follow the same procedures and become citizens of the United States in the same way.

An alien living in the United States must keep the Immigration and Naturalization Service informed of changes in his or her address. A lawful permanent resident is given an Alien Registration Receipt Card. This card has a number on it which should be shown in all applications and when writing to the Immigration and Naturalization Service about a case. Any alien who has not registered should immediately get in touch with the nearest office of the Immigration and Naturalization Service.

Anyone who cannot find the answer to a naturalization related problem in this pamphlet or who may desire any additional information, may obtain it from the nearest office of the Immigration and Naturalization Service. A list of offices of the Immigration and Naturalization Service appears on pages 39 thru 41.

How to Apply for Naturalization
Part 2

The requirements for naturalization that need fuller explanation are discussed in more detail at a later point. The steps to become naturalized, however, are the same for all persons and are set out below.

Filing the Application

The first step is to get an application and, except for children under 14 years of age, a fingerprint card and a Biographic Information form from the nearest office of the Immigration and Naturalization Service or from a social service agency in the community. The application to be used is Form N-400, "Application to File Petition for Naturalization," if the person is applying for his or her own naturalization. If, however, a parent wants to file a petition for the naturalization of his or her own child or an adopted child by the court, the application to be used is Form N-402, "Application to File Petition for Naturalization in Behalf of Child." For an optional procedure to gain citizenship for an adopted child of U.S. citizen parents (or parent, if single), without court action, see page 21 and 22.

The application, the fingerprint card, and the Biographic Information form if appropriate, which are furnished without charge, must be filled out according to the instructions and filed with the office of the Immigration and Naturalization Service with jurisdiction over the applicant's residence. Three unsigned photographs as described in the application must be submitted. No fee is required at this time for filing of Forms N-400 or N-402.

Citizenship of Applicant's Children

If a parent who is applying for naturalization expects to be naturalized before any of his or her children reaches age 18, it is likely that such children who are living in the United States will

automatically become citizens. This would happen if the children's other parent already is a citizen, or is deceased, or if both parents are naturalized at the same time, or if the parents are legally separated and the parent being naturalized has the legal custody of the children, or if the parent being naturalized is the mother of the children and the children were born out of wedlock.

These children may obtain certificates of citizenship in their own names, showing that they became citizens on the same date that the parent was naturalized, by filing Form N-600, in accordance with instructions on the form, "Application for Certificate of Citizenship." A fee is required. The fee must be submitted with the application. No currency should be sent in the mail. The children involved who are over age 14 will appear before the naturalization examiner and must take the same oath of allegiance as is required of persons who naturalize.

Examination on the Application

After certain actions on the application have been completed by the Immigration and Naturalization Service, the applicant must appear before a naturalization examiner for examination on the application. The Immigration and Naturalization Service will advise the applicant when and where to appear for the examination. At the time of the examination the applicant will, if found eligible, be helped in filing the legal paper, known as a petition for naturalization, in the naturalization court.

On the date that the applicant files his or her petition for naturalization he or she pays a filing fee to the clerk of the naturalization court. This is the only fee required in the naturalization process.

Final Court Hearing

After the examination has been completed, the petition filed in court, and all investigations of fitness for citizenship completed, the petitioner will be notified to appear before the court for the final hearing. Generally, judges do not ask questions of the applicants at this hearing because the naturalization examiner has already done so. The naturalization examiner merely informs the judge that the applicant has been found qualified for naturalization and should be made a citizen.

Sometimes an applicant for naturalization is prevented by sickness or physical disability from meeting the naturalization examiner to file his or her petition or from going to the courthouse for the final hearing on the case. When this happens, it may be possible to make other arrangements so that the applicant will not have to travel to meet the examiner or to go before the judge. Further information about what should be done by such a person to become naturalized can be obtained from the nearest office of the Immigration and Naturalization Service.

If the examiner finds that an applicant has not demonstrated eligibility for naturalization, the applicant will be so notified before the court hearing. He or she may then come to the final hearing, with or without an attorney, and request naturalization before the judge. The judge will hear whatever the petitioner has to say about his or her fitness for citizenship and will decide whether to make him or her a citizen.

When the court decides that a petitioner should be made a citizen, he or she takes an oath of allegiance to the United States. In doing so, he or she gives up allegiance to any foreign country and promises to support and defend the Constitution and laws of the United States.

When a large number of persons become citizens at a court hearing, it may not be possible to issue certificates immediately showing that they have been granted citizenship. In such instances, the certificates of naturalization are mailed to them later, or other arrangements for subsequent delivery are made.

General Naturalization Requirements
Part 3

Applicants must be present in the United States, and must meet every requirement for naturalization in this Part and Part 2, unless they are persons who fall within special classes that are exempt from some of those requirements. These special classes are discussed at later points in this pamphlet. The basic requirements for naturalization are set out below.

Age

A person must be at least 18 years of age before he or she can apply for naturalization.

Lawful Admission

Only an alien who has been lawfully admitted to this country for permanent residence can be naturalized. This means that the alien must have been lawfully allowed to live permanently in this country as an immigrant. Not all aliens in the United States have been given this privilege. Some-for example, visitors, students, and seamen-have been allowed to come into this country only temporarily and, therefore, cannot lawfully remain here permanently. These persons do not meet the requirements of this paragraph. Neither does an alien who succeeded in getting into the United States unlawfully, such as by hiding convictions for serious crimes, or by deserting a ship, or by sneaking into the United States.

An alien who has been allowed to live here permanently as an immigrant loses that privilege, as well as the privilege of becoming naturalized, if he or she leaves the United States with the intention of abandoning residence in this country.
Caution: An alien who has been admitted to the United States for permanent residence and who established residence in the United States may choose to be treated as a nonresident alien for the purpose of gaining certain benefits under the

income tax laws. In order to become a nonresident alien for that purpose, the alien must leave the United States and in doing so must intend to abandon residence in the United States. The intent to abandon may be formed also after the alien has left the United States.

An alien who chooses to become a nonresident for tax purposes may be considered as having also given up and lost his or her status as an immigrant under the immigration and naturalization laws. This could mean that the alien may become ineligible for an immigrant visa, or a reentry permit or other document, for which permanent residents are eligible; may become inadmissible to the United States if seeking readmission as a returning resident with a reentry permit, an alien registration receipt card or a returning resident visa; and may become ineligible for naturalization.

Aliens should give careful consideration to the possible consequences mentioned above, before deciding to claim nonresident alien status for tax purposes.

Residence and Physical Presence

After an applicant has been admitted for permanent residence, he or she must reside in the United States continuously for at least five years just before filing a petition for naturalization in court. At least the last six months of that five years' residence, immediately before the filing of the petition, must also be residence in the State where the petition is being filed.

The applicant is not obliged to stay in the United States during every day of the five-year period. Short visits may be made outside the United States, either before or after applying for naturalization, and may include as part of the required five years' residence the time absent. However, the applicant must be sure that:

(a) he or she is not absent for a continuous period of one year or more and

(b) he or she is not out of the United States for a total of more than 30 months during the last five years.

Generally, if the applicant is absent for one year or more at any one time during the five-year period just before filing the petition, he or she breaks naturalization residence and must complete a new period of residence after returning to the United States. This means that he or she will have to wait at least four years and one day after coming back before he or she can be naturalized. Furthermore, if during the five-year period he or she has been absent for a total of more than 30 months, he or she will have to stay in the United States until he or she has been physically present for at least a total of 30 months out of the last five years just before filing a petition for naturalization in court.

Permission to be Absent

Under certain circumstances, persons and their dependents who expect to be continuously absent from the United States for a year or more in work within one of the following classes may be given permission to be absent without breaking their naturalization residence. To obtain this permission, an application must be made on Form N-470, "Application to Preserve Residence for Naturalization Purposes," in accordance with the instructions on the form. The fee must be submitted with the form. No currency should be sent in the mail.

Persons and dependent members of their households who may qualify for this permission fall into three categories as discussed below. It should be particularly noted that there are important differences between the classes with regard to what is necessary to be eligible for the permission, when the application *must* be made, and whether the

person may be considered to be *physically present* as well as residing in the United States during the absence.

(a) **Employment by American Organizations.** Such organizations include:

(1) American firms or corporations, or their subsidiaries, which are developing foreign trade and commerce of the United States.

(2) American institutions of research recognized by the Attorney General.

(3) Certain public international organizations in which the United States takes part.

To be eligible to obtain permission, employees within this class must first have been physically present in the United States for an *uninterrupted* period of at least one year after their lawful admission for permanent residence.

If possible, the application for permission should be filed before the applicant leaves the United States. It *must* be filed before the applicant has already broken residence by being continuously absent from the United States for as much as one year. It *must* be filed even though the employee has been issued a reentry permit to use to come back to the United States after the absence. The reentry permit alone is not enough to protect naturalization residence. Unless the application is filed and approved by the Immigration and Naturalization Service, absence for a year or more will break naturalization residence even though the absence may have been for employment by one of the above American organizations.

Notwithstanding the fact that the Immigration and Naturalization Service may have granted permission for the absence and, therefore, the applicant's naturalization *residence* remains unbroken by the absence of a year or more, employees within this class cannot include the time they are absent as any part of the 30 months' *physical presence*

required to qualify for naturalization. Care must be taken, therefore, to have been *actually physically present* in the United States for not less than 30 months of the five years just before filing petitions for naturalization in court.

(b) **Employment by the United States Government.** The requirements to obtain permission to be absent and the benefits of being granted permission are the same for Government employees and their dependents as for the employees of American organizations above, with one exception:

Government employees are regarded as *physically present* in the United States during the time they are absent with the required permission. They may include, therefore, as part of the 30 months' *physical presence* for naturalization purposes the time that, with permission, they are absent in Government employment.

Government employees who are to be absent for continuous periods less than one year do not have to apply for permission to be absent, and may count each continuous period of less than one year abroad toward the thirty months that they must be physically present in the United States.

(c) **Service for Religious Organizations.** Persons engaged abroad as priests, ministers, missionaries, brothers, nuns, or sisters by a religious denomination or interdenominational mission organization which has an organization in the United States and who are granted permission to cover the absence enjoy the same benefits that are granted to Government employees including the right to count as *physical presence* in the United States the time they are absent with permission.

Persons within this class have the additional privilege of applying for permission to cover the absence at *any* time. They may also be granted permission to be absent even though they have not

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yet completed a year of uninterrupted physical presence in the United States after their lawful admission for permanent residence. If they have not completed this year of uninterrupted physical presence, however, they must complete at least one year of uninterrupted physical presence in the United States before they can file their petitions for naturalization in court.

Character and Loyalty

An applicant for naturalization must show that, during all of the five years just before filing a petition for naturalization in court, and up until the judge decides that the applicant qualifies for naturalization, he or she has been a person of good moral character who believes in the principles of the Constitution of the United States and is favorable to the good order and happiness of the United States.

The naturalization law states that an applicant for naturalization cannot be considered to be of good moral character if he or she comes within any of the following classes at any time during the five-year period and up until becoming naturalized:

(a) Habitual drunkards;

(b) Polygamists, persons connected with prostitution or narcotics, criminals;

(c) Convicted gamblers, persons getting their principal income from gambling;

(d) Persons who lie under oath to gain a benefit under the immigration or naturalization laws;

(e) Persons convicted and jailed for as much as 180 days.

A person also can never become a citizen if he or she has been convicted of murder at any time.

The disqualifications listed above are not the only reasons for which a person may be found to lack good moral character. Other types of behavior

may be taken into consideration by the judge in deciding whether or not an applicant has the good moral character required to become a citizen.

Aliens who have not performed their duties to serve in the armed forces of the United States may also be denied citizenship. These include persons who have been convicted of deserting or evading service in the armed forces of the United States during time of war, as well as persons who applied for and were given exemption from service on the ground that they were aliens.

Communist Party and Similar Membership

A person cannot become a citizen who, at any time during a period of ten years just before filing a petition for naturalization in court, has been a member of or connected with the Communist Party or a similar party within or outside the United States; or a member of or connected with any other party or organization that is against all organized government or for world communism, dictatorship in the United States, overthrowing the United States Government by force, injuring or killing officers of the United States, or sabotage.

If the membership or connection with any of these parties or organizations during the ten-year period was involuntary, or before 16 years of age, or compelled by law, or to get employment, food or other necessities of life, the person may become a citizen if no longer a member of or otherwise connected with the party or organization.

Deportation

A person who has broken the immigration laws and as a result is under a deportation order cannot be naturalized.

Literacy and Educational Requirements

Unless physically unable to do so, an applicant

for naturalization must be able to speak and understand simple English as well as read and write it. However, a person who is over 50 years old on the date of the examination, and has at that time been living in the United States for at least 20 years as a lawful permanent resident may become a citizen even though he or she cannot speak, read or write English.

All applicants physically able to write, must also be able to sign their names in the English language. However, the person mentioned above who is excused from knowing English is permitted to sign in a foreign language if unable to sign in English.

Every person applying for naturalization, *including* the persons mentioned above, must pass an examination showing that he or she is knowledgeable about the history and form of government of the United States. There are no exceptions to this requirement. The examination on these matters and on English is given by a naturalization examiner at the time the applicant files the petition. The questions the examiner asks are in simple English and to be able to answer them requires knowledge only of subjects that anyone who has really tried to learn will be familiar with.

In many places the public schools, as well as other community groups, have citizenship classes to prepare persons to become citizens. Certain educational institutions also offer courses by mail for persons who want to study under their supervision at home instead of in school. The nearest Immigration and Naturalization Service office can furnish information about the correspondence courses. The Federal Government also publishes textbooks to aid applicants for naturalization in studying to become citizens. It is upon the information in these books that the examination on history and government is given. Applicants who attend citizenship classes in public schools or who

are studying by mail receive these books from the schools without charge. The books can also be bought direct from the Superintendent of Documents, Government Printing Office, Washington, DC 20402, and can be used to study privately at home instead of under the supervision of a school.

Form M-132, "Information Concerning Citizenship Education to Meet Naturalization Requirements," contains more information about the Federal Textbooks on Citizenship and courses that can be taken by mail. This form can be obtained without charge from the nearest office of the Immigration and Naturalization Service.

Oath of Allegiance

Before being admitted to citizenship (unless a child too young to understand), an applicant for naturalization must give up any foreign allegiance and any foreign title and must promise to obey the Constitution and laws of the United States. Unless it is against his or her religion, the applicant must also promise to bear arms or fight for the United States, to perform other types of service in the armed forces of the United States, and to do work of importance to the nation when asked to do so.

If it is against the religion of a person to fight for the United States or to perform other types of service in the armed forces of the United States, that person can be excused from promising to do these things and may become naturalized without making such a promise. However, the person cannot be excused from promising to do work as a civilian which is important to the nation.

Naturalization Requirements for Special Classes

Part 4

This part discusses special classes of persons who may become naturalized even though they cannot meet all of the requirements mentioned in Parts 2 and 3 of this pamphlet. This part will list under each class the particular exemptions for that class. Unless so listed, an applicant who comes within a special class generally must still meet the requirements and follow the procedures mentioned in Parts 2 and 3.

Wives and Husbands of United States Citizens

A person who is married to a citizen of the United States may become naturalized in the same way as any other alien or may take advantage of special naturalization exemptions that are granted to the spouse of a citizen of the United States. These exemptions fall into two classes, the first granted simply because of the relationship to a citizen and the second granted because of the relationship to a citizen who is stationed abroad. Both of these classes are discussed below.

Marriage to a Citizen.

An applicant

(1) whose spouse has been a citizen of the United States for at least three years, and

(2) who has been married to and living with the citizen spouse for at least the three-year period just before the date of filing a petition for naturalization may become a citizen of the United States upon meeting all of the requirements for naturalization in Parts 2 and 3 except:

Instead of five years' residence and 30 months' physical presence, the applicant must reside in the United States for only three years after being lawfully admitted for permanent residence and just before filing the petition. For at least one-half of that three-year period, or 18 months, the applicant must have been present in person in the United States.

Marriage to a Citizen Stationed Abroad.

An applicant

(1) whose spouse is a citizen of the United States working or serving in a foreign country for one of the reasons below,

(2) who, upon becoming naturalized, will live abroad with the citizen spouse, and

(3) who will again reside in the United States as soon as the foreign work or service of the citizen spouse ends may become a citizen of the United States if all the requirements for naturalization in Parts 2 and 3 are met except:

(a) The petition does not have to be filed in the place where the petitioner lives, but may be filed in any naturalization court.

(b) The petitioner may be naturalized without having resided in the United States or any State, and without having been physically present in the United States, for any particular length of time after being lawfully admitted for permanent residence.

Generally, if the applicant is absent for one year or more at any one time during the three-year period just before filing the petition, he or she breaks naturalization residence and must complete a new period of residence after returning to the United States. This means that he or she will have to wait at least 2 years and 1 day after coming back before he or she can be naturalized. Furthermore, if during the three-year period he or she has been absent for a total of more than 18 months, he or she will have to stay in the United States until he or she has been physically present for at least a total of 18 months out of the last three years just before filing a petition for naturalization in court.

Overseas Assignment of Citizen Spouse.

For the petitioner to qualify for the exceptions

mentioned, previously the citizen spouse must be working or serving in the foreign country

(1) in the employment of the United States Government (including service in the armed forces of the United States), or

(2) in the employment of an American institution of research recognized by the Attorney General, or

(3) in the employment of an American firm or corporation, or its subsidiary, which is developing the foreign trade of the United States, or

(4) in the employment of certain public international organizations in which the United States takes part, or

(5) under authority to perform the functions of a minister or priest of a religious denomination having an organization within the United States, or

(6) under an engagement solely as a missionary by a religious denomination or by an interdenominational mission organization having an organization within the United States.

Surviving Spouse of United States Citizen Service Member

Any person whose citizen spouse dies during a period of honorable and active service in the armed forces of the United States, and who was living in marital union with the citizen spouse at the time of the service member's death, may become a citizen of the United States if all the requirements in Parts 2 and 3 are met except:

(a) The petition does not have to be filed in the place where the petitioner lives, but may be filed in any naturalization court.

(b) The petitioner may be naturalized without having been physically present in the United States, for any particular length of time after being lawfully admitted for permanent residence.

Naturalization of Children

The fact that one or both parents may have been citizens of the United States at the time of a child's birth in a foreign country, or may have become naturalized citizens of the United States after the child's birth is not enough in itself to give United States citizenship automatically to the child. Additional conditions which must be satisfied by the parents and the child affect the question of whether the child has become a citizen through his or her parents. For example, a citizen parent may have been required before the birth of the child to have resided in the United States or its territory, or to have been physically present there, between certain ages in order to pass citizenship on to the child. Or, with regard to a child born abroad to alien parents, the later naturalization of both parents in the United States and the child's own lawful admission to the United States for permanent residence may have been required to take place before the child reached a certain age, in order for the child automatically to have become a citizen of the United States after birth.

A child who is adopted by a citizen parent or parents does not automatically become a United States citizen.

A child adopted by alien parents and admitted for permanent residence while under 16 years old *does* automatically become a citizen if his or her adoptive parents are naturalized during the child's minority (18 years).

For those children who at the time of birth or later *do* become citizens of the United States automatically through their parents, there is a special provision of law under which a certificate of citizenship can be furnished to them by Immigration and Naturalization Service. This is *not* a certificate of naturalization since the children *are*

already citizens of the United States. It is simply *proof* that they can present whenever anyone raises any question about their citizenship.

Children (including children adopted while under age 16) who do *not* become citizens of the United States automatically through their parents may nevertheless be made citizens if petition is filed by one or both of their parents for the naturalization of the children, provided the petitioning parent or parents are U.S. citizens.

A special provision of law gives a parent or parents of certain adopted children the right to apply for their adopted child or children to become a United States citizen(s) by filing an application with the Immigration and Naturalization Service.

Children of Citizen Parents.

An alien child of one natural or two citizen parents may be naturalized under the following conditions:

(1) The citizen parent (or both citizen parents, if they wish) must file an application on behalf of the child on Form N-402, "Application to File Petition for Naturalization in Behalf of Child." No fee is required at this time.

(2) No fingerprint card is required if the child is under 14 years of age.

(3) The child's naturalization that is, his or her admission to citizenship by the judge must be completed before he or she reaches 18 years of age.

Adopted Children of Citizen Parents.

An adopted child of one or two citizen parents (if married) can become a citizen under the following conditions if the child:

(1) is under 18 years of age;

(2) is adopted before reaching age 16 by a parent who is a citizen of the United States, either by birth or naturalization; or

(3) is residing in the United States in the

custody of the adopting citizen parent, pursuant to a lawful admission for permanent residence. The child does not have to:

(a) Be able to speak, read, or write English or sign his or her name.

(b) Know about the history and form of government of the United States.

(c) Have lived or been physically present in the United States or in a State for any particular length of time after admission for permanent residence.

(d) Take the oath of allegiance if he or she is too young to understand.

Former United States Citizens

The only former citizens of the United States who are granted any exceptions from the requirements for naturalization in Parts 2 and 3 are persons who lost their United States citizenship during World War II as a result of service in the armed forces of certain foreign countries and women who lost their United States citizenship as a result of marriage to aliens. Both of these classes are discussed below:

Veterans of Foreign Armed Forces. Any person who:

(1) lost United States citizenship between September 1, 1939 and September 2, 1945

(2) as a result of service in the armed forces of a foreign country that was not at war with the United States during any part of his or her service, and

(3) that fought against a country with which the United States was at war after December 7, 1941 and before September 2, 1945 may become a citizen of the United States if he or she meets all of the requirements for naturalization in Parts 2 and 3 except:

(a) The petition does not have to be filed in the place where he or she lives, but it can be filed in any naturalization court.

(b) He or she can be naturalized without having resided and without having been physically present in the United States or any State for any particular length of time after admission for permanent residence.

(c) The fact that he or she has been ordered deported from the United States does not in itself bar him or her from becoming a citizen.

American Women Who Married Aliens.

As a general rule, a woman could have automatically lost her United States citizenship if, before September 22, 1922, she married an alien, or if her husband was naturalized in a foreign country, or if, between that date and March 3, 1931, she married an alien who was not of the white race or African race. In each of these instances, she lost her citizenship if she entered into the marriage with the intention of relinquishing her United States citizenship.

If citizenship was lost by such marriage, there are simplified ways in which United States citizenship and the rights of citizenship may be regained. However, not all cases follow the same procedure. For example, some women who were native-born citizens and whose marriages either ended before January 13, 1941, or who remained in the United States after the marriages, have been automatically given back their United States citizenship, but they must take an oath of allegiance to the United States before they can do what only a citizen can do, such as vote. Others must file a petition in a naturalization court in order to get back their United States citizenship, but they are exempt from some of the requirements in Parts 2 and 3, such as from any particular period of residence and physical presence in the United States.

Any woman who was the wife of an alien at any time during the periods stated above and who

wants advice about her citizenship may get it at the nearest office of the Immigration and Naturalization Service or, if she is abroad, at the nearest American Consulate.

Service Members of the Military or Veterans

An alien who has served or is serving in the armed forces of the United States does not automatically become a citizen of the United States. Like other aliens, such alien must apply for naturalization and be admitted to citizenship by a court. However depending upon such matters as the period during which he or she served, the length of service, and other factors which will be mentioned below-he or she may be exempt from some of the requirements other aliens must meet.

Service During Certain Periods.

A person who has served honorably and actively in the armed forces of the United States, no matter how briefly, during any part of the periods:

April 6, 1917 to November 11, 1918,
September 1, 1939 to December 31, 1946,
June 25, 1950 to July 1, 1955, February 28, 1961, to October 15, 1978, or
October 25, 1983 to November 2, 1983 (for qualifying active duty in the geographic area of the Grenada campaign), and

who is not within any of the below listed ineligible classes is exempt from the following requirements:

(1) No lawful admission for permanent residence is required if he or she was inducted, enlisted or reenlisted at any time in the United States, the Panama Canal Zone, American Samoa, or Swains Island. If he or she did not at any time enter into such armed forces in one of the places

mentioned he or she must have been lawfully admitted for permanent residence before he or she can be naturalized.

(2) He or she need not have resided or been physically present in the United States or any State for any particular length of time.

(3) He or she does not have to file the petition in the place where he or she lives, but can file it in any naturalization court.

Ineligible Service Members

The following persons do not qualify for the special naturalization exemptions discussed immediately above:

(1) Veterans who were discharged at their request because of alienage.

(2) Conscientious objectors who performed no military duty whatever or refused to wear the uniform.

(3) Veterans who were once naturalized on the basis of the same period of military service and have since lost their citizenship.

The fact that a person is ineligible for naturalization as such a veteran does not mean that he or she may not be naturalized under the general naturalization laws applicable to other classes of aliens. He or she may still qualify for naturalization if able to meet the naturalization requirements applicable to other aliens.

Service for Three Years

Veterans who have been lawfully admitted to the United States for permanent residence and who have served honorably at any time for as much as three years, and who have never been discharged without honor, are entitled to certain exemptions from the requirements stated in Parts 2 and 3 if they come within one of the following classes:

(1) **When Three Years' Service Continuous.** A person who has served honorably at any time in the armed forces of the United States for a *continuous* period of three years and who applies for naturalization while still in service or not later than six months after discharge from service may be naturalized:

(a) Without having resided and without having been physically present in the United States for any particular length of time.

(b) The petition for naturalization does not have to be filed in the place of residence, but may be filed in any naturalization court.

(c) The fact that the person has been ordered deported from the United States does not in itself bar him or her from becoming a citizen.

(2) **When Three Years' Service Not Continuous.** A person who has served honorably at any time for three years but whose service is made up of short periods of service, instead of one continuous period, and who applies for naturalization while still in service or not later than six months after discharge from service is entitled to the exemptions stated in (b) and (c) immediately above. However, for any part of the five years just before he or she files the petition for naturalization in court and which is between the periods of service, he or she will have to prove residence and the other qualifications for naturalization.

(3) **Application Made More Than Six Months After Service Ends.** A person who has the three years of honorable service but who fails to apply for naturalization until more than six months after such service has ended is not qualified for the exemptions stated in (1) above and must comply with all the requirements in Parts 2 and 3 except that:

(a) All service within five years of the date when

filing the petition is considered residence and physical presence in the United States.

(b) The fact that the person has been ordered deported from the United States does not in itself bar him or her from becoming a citizen.

If a service member for any reason is unable to qualify for the exemptions given to these veterans he or she may nevertheless be naturalized under the naturalization laws applicable to other classes of aliens if those requirements are met.

Note to persons with three years of service who must apply for naturalization within six months after discharge: the petition must be filed with the naturalization court within the six month period. Applicants must therefore file their applications with the Immigration and Naturalization Service early enough to permit filing of the petition with the naturalization court before the six month period has passed.

Mariners. A merchant mariner whose employment aboard a vessel requires absence from the United States is exempt in part from the general residence and physical presence requirements for naturalization. He or she has the right to count the time of service as a merchant mariner outside the United States as residence and physical presence in the United States if such service was not as a member of the armed forces of the United States and it meets the following conditions:

(1) It was performed on board a vessel —

(a) operated by the United States or one of its agencies and owned by the United States, or

(b) with its home port in the United States and registered under the laws of the United States, or

(c) with its home port in the United States and owned by a citizen of the United States or a corporation organized under the laws of a State.

(2) It was performed —

(a) honorably or with good conduct, and

(b) after lawful admission to the United States for permanent residence, and

(c) within five years of the date of filing the petition for naturalization.

Employees of Organizations Promoting United States Interests Abroad

A person who has been lawfully admitted to this country for permanent residence and who thereafter is employed abroad by a United States incorporated nonprofit organization which is principally engaged in conducting abroad through communications media the dissemination of information which significantly promotes United States interests abroad and which is recognized as such by the Attorney General, may take advantage of special naturalization exemptions. Examples of such an organization are Radio Free Europe, Inc., Radio Liberty Committee, and Radio Marti.

Such a person is not required to reside or to be physically present in the United States (see pages 8, 9, 10 and 11) for any particular period of time before becoming a citizen, if the following conditions are met:

(1) He or she has been employed by the organization continuously for at least five years after becoming a permanent resident.

(2) The petition must be filed with the naturalization court while the petitioner is still employed, or within six months after leaving such employment. An applicant must, therefore, file the application with the Immigration and Naturalization Service early enough to permit filing the petition with the naturalization court before the six-month period has passed.

(3) Upon becoming a citizen, the employee must intend to take up residence in this country as soon as the foreign employment ends. If the petitioner is no longer employed by the organization at the

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time of filing the petition, then he or she must intend to continue living in the United States upon becoming a citizen.

Naturalization and Citizenship Papers Lost, Mutilated or Destroyed, or Where Name has been Changed

Part 5

A person whose Form N-315, "Declaration of Intention", or certificate of naturalization/citizenship has been lost, mutilated or destroyed, or a naturalized person whose name has been changed by a court or by marriage after naturalization, may apply for a new declaration or certificate. The application form, N-565 "Application for a New Naturalization or Citizenship Paper", can be obtained without charge from the nearest office of the Immigration and Naturalization Service. It should be filled out, following the instructions in it, and then taken or mailed to that office with the required photographs and fee. No currency should be sent in the mail. That office will then take the action necessary with regard to issuing the new document and will inform the applicant further.

Declaration of Intention
Part 6

Before the present naturalization law came into effect on December 24, 1952, persons generally were required to file a declaration of intention to become a citizen of the United States — which was known as the "first paper" — and then had to wait for not less than two years before they could take the next step toward becoming a citizen of the United States, that is, before they could file a petition for naturalization. Since 1952 a declaration of intention is no longer required before a person can become a citizen, and a petition for naturalization may be filed as soon as the required residence and other qualifications for citizenship have been met.

With the passage of the Immigration Reform and Control Act of 1986 (IRCA), came the requirement for a declaration of intent to become a citizen which could be filed by persons who have not yet become lawful permanent residents, but who are permitted to live and work in the United States, and entitled to file discrimination complaints against employers violating IRCA imposed conditions. Form I-772 was created to fill this requirement. This form is filed with the local INS office by persons wishing to establish the groundwork for IRCA discrimination complaints. It does not replace the Form N-315, "Declaration of Intention"; however, a lawful permanent resident who has filed the declaration with the court is protected under IRCA as if he or she had filed Form I-772.

The law still permits the old Form N-315, "Declaration of Intention," to be filed, if one is needed for such reasons as getting certain employment or a license of some kind. The only requirements are that the person be at least 18 years old and lawfully admitted to the United States for permanent residence. The declaration may be filed at any time after admission for permanent residence and in any naturalization court.

The person is not required to be able to read, write, and speak English or to pass any examination on the history and form of government of the United States, and he or she may sign the declaration in any language or by mark.

The application forms are N-300 and I-772, "Application to File Declaration of Intention", and "Declaration of Intending Citizen", respectively. These forms may be obtained from the nearest office of Immigration and Naturalization Service or from the clerk of a naturalization court or, possibly, from a social service agency in the community. Either one should be filed with the nearest office of the Immigration and Naturalization Service. Form N-300 requires three photographs as described in the application, while Form I-772 requires no photographs. A short time after the N-300 application is received by the Immigration office, the applicant will be notified to call at the office of the clerk of the nearest naturalization court. He or she will then file the declaration of intention and at that time must pay a fee to the clerk of the court for filing this legal paper in court.

Certificates of Citizenship for Wives and Children of Citizens

Part 7

Women who married citizens of the United States before September 22, 1922, or whose husbands became citizens during the marriage and before that date, may have automatically become citizens of the United States as a result of their marriages. A child born in a foreign country of one or two United States citizen parents may have also become a United States citizen at birth. Similarly, a child born in a foreign country of alien parents, or adopted by alien parents, may have become a United States citizen automatically after birth, without having himself or herself applied for naturalization, if one or both of his or her parents became naturalized before he or she reached a certain age. An adopted child, however, does NOT become a citizen of the United States automatically, through adoption by citizen parents. If both adoptive parents are United State citizens, however, the child may either be naturalized upon the filing of a petition with the court by one of the citizen parents, or upon the filing of an application with the Immigration and Naturalization Service for issuance of a certificate of citizenship, while the child is under age 18.

The conditions under which a child of a citizen parent or parents becomes a citizen have varied from time to time and, therefore, differ so much from case to case that they cannot be presented in detail within this pamphlet. Consequently, persons who need additional information along these lines should communicate with any office of the Immigration and Naturalization Service.

Wives and children who have become citizens automatically may be issued certificates of citizenship by the Immigration and Naturalization Service in their own names, showing that they are citizens

through their husbands or parents. A person who desires to obtain such a certificate (including a parent or guardian of a child too young to act for himself or herself) may submit an application on Form N-600, "Application for Certificate of Citizenship," to the nearest office of the Immigration and Naturalization Service. The filing of the application is an entirely voluntary matter, however, and the failure to submit it does not in any way affect a person's citizenship.

The applicant should be prepared to submit in connection with the application evidence of birth, marriage, death, divorce, adoption, and other essential matters in the form of certificates or documents which will prove the claim to citizenship through marriage or through parents. Detailed instructions regarding the nature of the proof needed in each case are included in the application form.

Legalizing Stay in the United States

Part 8

In the cases of some foreign - born persons who are in the United States there are no records showing admission for permanent residence, or at least no records can be found. These persons may have been brought here during childhood and may never have known just when or how they came; or they may have come here as visitors or other temporary nonimmigrant class and decided to stay; or they may have entered unlawfully.

Since no records of lawful admission for permanent residence can be identified, they cannot become citizens of the United States until such records have been made. An alien eligible for citizenship and not within a class barred from the United States under the immigration laws such as criminals and other immoral persons, subversives, smugglers, and persons unlawfully connected with narcotics who has had his or her residence in the United States ever since sometime before January 1, 1972, can have a record of lawful admission to the United States for permanent residence created if he or she is a person of good moral character. The application is Form I-485, "Application for Permanent Residence." This form, together with information about the procedure to be followed, may be obtained from the nearest Immigration and Naturalization Service office. The required fee, photographs and supporting documents must be filed with the nearest Immigration and Naturalization Service office.

If an applicant can prove that he or she has been in the United States since before July 1, 1924, the record of admission will be made as of the date of actual entry into the United States and he or she will be able to apply for citizenship without completing any more residence in the United States. If an applicant did not come to the United States until on or after July 1, 1924, the record of admission will be made as of the date the

application is approved and he or she will then have to complete whatever additional residence and physical presence in the United States are required for naturalization.

Persons who came to the United States illegally on or after January 1, 1972, should ask for information and advice from the nearest office of the Immigration and Naturalization Service or a social service agency.

Office of the Immigration and Naturalization Service
Part 9

The following is a list of offices of the Immigration and Naturalization Service from which information concerning matters referred to in this pamphlet may be obtained. (* Indicates District Offices)

Agana, GU 96910 Pacific
News Bldg. 238 O'Hara St.

Albany, NY 12207 Room
220 U.S. Post Office and
Courthouse 445 Broadway

Albuquerque, NM 87103
Federal Bldg. U.S. Courthouse, Room 1114, 517 Gold
Ave., S.W. Box 567

*Anchorage, AK 99513
Federal Bldg.,
U.S. Courthouse 701 "C"
St., Rm. D251 Lock Box 16

*Arlington, VA 22203 4420
North Fairfax Dr. Room 210

*Atlanta, GA 30303 Rm.
G-85, Federal
Annex Building
77 Forsyth St., S.W.

*Baltimore, MD 21201
E.A. Garmatz Fed. Building
101 W. Lombard Street

*Boston, MA 02203
John Fitzgerald Kennedy Fed.
Bldg. Government Center

*Buffalo, NY 14202
68 Court Street

Charlotte, NC 28217
6 Woodlawn Green
Suite 138

*Chicago, IL 60604
Dirksen Fed. Office Bldg.
219 South Dearborn St.

Cincinnati, OH 45202
Federal Bldg., Rm. 8525
550 North Main Street

*Cleveland, OH 44199
Anthony J. Celebrezze Fed.
Bldg.,
Rm. 1917, 1240 E. 9th St.

*Dallas, TX 75242
U.S. Immigration and Naturalization Service
Rm. 6A21, Fed. Bldg.
1100 Commerce St.

*Denver, CO 80202
1787 Federal Bldg.
1961 Stout St.

*Detroit, MI 48207
Federal Building
333 Mt. Elliott St.

*El Paso, TX 79984
700 E. San Antonio St.
P.O. Box 9398

Fresno, CA 93721
Federal Bldg., U.S. Courthouse
1130 "O" St.

*Harlingen, TX 78550
2102 Teege Rd.

Hartford, CT 06103
Ribicoff Federal Bldg.
450 Main Street

*Helena, MT 59626
Federal Building
301 South Park
Room 512

*Honolulu, HI 96813
595 Ala Moana Blvd.
P.O. Box 461

*Houston, TX 77060
509 North Belt
Main Floor

Indianapolis, IN 46204
U.S. Fed. Bldg. &
Courthouse
46 East Ohio Street

Jacksonville, FL 32202
Federal Bldg., Rm. G-18,
400 West Bay St., Box 35029

*Kansas City, MO 64153
9747 N. Conant Avenue

Las Vegas, NV 89101
Federal Building
U.S. Courthouse
300 Las Vegas Blvd.,
South

*Los Angeles, CA 90012
300 N. Los Angeles St.

Louisville, KY 40202
U.S. Courthouse
Room 601
West 6th & Broadway

Memphis, TN 38103
814 Federal Bldg.
167 N. Main Street

*Miami, FL 33130
7880 Biscayne Blvd.

Milwaukee, WI 53202
Rm. 186, Fed. Bldg.
517 E. Wisconsin Ave.

*Newark, NJ 07102
Federal Building
970 Broad Street

*New Orleans, LA 70113
Postal Service Bldg.
701 Loyola Avenue

*New York, NY 10278
26 Federal Plaza

Norfolk, VA 23510
Norfolk Federal Bldg.
200 Granby Mall
Room 439

Oklahoma City, OK 73108
4149 Highline Blvd., Suite 300

*Omaha, NE 68102
Room 1008, Federal Office Bldg.
106 South 15th Street

*Philadelphia, PA 19106
Rm. 1321, U.S. Courthouse
Independence Mall West
601 Market Street

*Phoenix, AZ 85025 Federal
Building
230 N. First St.

Pittsburgh, PA 15222
2130 Federal Building
1000 Liberty Avenue

*Portland, ME 04103
739 Warren Avenue

*Portland, OR 97209
Federal Office Bldg.
511 N.W. Broadway

Providence, RI 02903
203 John O. Pastore
Federal Bldg.

Reno, NV 89502
Suite 150
712 Mill Street

Sacramento, CA 95814
Federal & U.S.
Courthouse Bldg.
Rm. 1-060
650 Capitol Mall

St. Albans, VT 05478
Federal Building
P.O. Box 328

St. Louis, MO 63101
Room 100
210 Tucker Blvd.

*(**)St. Paul, MN 55101
927 Main Post Office
Building
180 E. Kellogg Blvd.

Salt Lake City, UT
84138
230 West 400 South St.

*San Antonio, TX 78206
U.S. Federal Bldg.
727 East Durango
Suite A301

*San Diego, CA 92188
880 Front St.

*San Francisco, CA
94111
Appraisers Bldg.
630 Sansome St.

San Jose, CA 95113
280 South First Street

*San Juan, PR 00936
GPO Box 5068

*Seattle, WA 98134
815 Airport Way, South

Spokane, WA 99201
691 U.S. Courthouse Building

Tampa, FL 33609
Suite 113
5509 West Gray Street

** Telephone and in
person inquiries will
be handled at: 2716
East 82nd Street,
Bloomington, MN 55420.

Mr. BARKAN. Mr. Simon, may I note a comment on this? The pamphlets may be provided, but I think that what is being forgotten here is that from the perspective of the immigrants, the process is intimidating, it is fearful, it is confusing. I went through it with my wife step by step. I read the forms. You need to be a lawyer to understand the forms. It is a terribly intimidating process.

And if they were to do the kind of outreach which was done for the amnesty program, which would then indicate to immigrants that, yes, this is really as valued as legalizing undocumented aliens, I think you would find that the response of many groups, particularly groups that have certain reservations about becoming citizens—Mexicans, other Latinos, people from the Caribbean; I could detail more if you wish—might be more responsive and might not be as intimidated.

Senator SIMON. OK. They heard you. Thank you very, very much.

We have a few more questions we would like to submit to you for the record. If you can get those answers in as quickly as possible so we can get the record printed, I would appreciate it.

[Responses to questions submitted by Senator Kennedy follow:]

RESPONSE TO WRITTEN QUESTIONS
SUBMITTED BY SENATOR EDWARD M. KENNEDY
TO PROFESSOR ELLIOTT BARKAN

QUESTION: The residency requirement for naturalization is presently five years. Yet many people wait much longer before applying for citizenship. This means that they are unable to fully participate in our system and, perhaps, are also ignored by the system as they can not participate.
In your studies, what is the average length of time between entry as a permanent resident and actual naturalization? Which groups seem to naturalize the quickest? Which groups delay the longest? Why? What, in your opinion, can/should be done to improve this in order to bring these people into full participation in the American system?

For the hearing on June 15, I reviewed the last three INS annual reports ('85-'87) in order to determine current patterns of naturalization in terms of waiting times and to compare that data with my research on the 1960s and 1970s that was published a few years ago, copies of which were sent to Joyce Vialet.

A PROCEDURAL POINT: To try calculating the average waiting time for the total number of new citizens would require using the original data for individual cases and doing a calculation of each person's waiting time and then computing the average [which for 1985-87 would be for over 3/4 of a million persons]. This could be done, but would need more time. On the other hand, using the published reports, which are arranged by groups, precludes finding the average waiting time because the relevant table lumps all persons together who waited over 12 years. With the table one cannot also distinguish persons who qualified under special provisions for early citizenship but did not apply in less than five years from those who applied under the general provisions and necessarily waited at least five years to apply for citizenship. Again, this could be determined from the INS' public use computer tapes were there somewhat more time.

More importantly, deriving such averages obscures important differences between groups and significant patterns within those groups themselves. Thus, I have found it far more valuable, using the tables, to break the naturalization figures into three groups: those naturalized under special provisions (those eligible to apply in less than five years); the great bulk of immigrants who applied within 4 3/4 years and 7 3/4 years of arrival; and, finally, those who applied only after residing here 12 3/4 years or more. [The odd periods are due

to the fact that fiscal years and the calendar years used in the printed reports obviously do not coincide.]

A. SPECIAL CATEGORY GROUP PATTERNS: During fiscal years 1985-87, 10.14% of all new citizens qualified under various special naturalization categories; among them were 6.3% of all Europeans naturalized, 6.5% of North Americans, 11.4% of South Americans, and 13% of all Asians. Not only could the largest proportion of special naturalizations be found with Asians [Indeed, 62.3% of ALL persons so qualified were from Asia and the Middle East.] but among the individual countries the pattern persists: Ten to eleven percent of Germans and Brits were so eligible and 9.7% Canadians and even 15.3% of Colombians; on the other hand, 4.4% from Portugal, 5.6% of Greeks, and just about 6% of Mexicans met these requirements, compared with 19% of Filipinos, 16.8% of Iranians, 8.4% of Asian Indians, and 44.7% of Koreans [nearly half of whom were children of U.S. citizens - and, I suspect, mostly orphans adopted by U.S. citizens].

However, further analysis reveals that A SUBSTANTIAL PORTION OF THESE SPECIALLY QUALIFIED INDIVIDUALS DID NOT APPLY WITHIN THE UNDER-FIVE YEAR PERIOD, even if we acknowledge that there is a three month period that overlaps my categories for reasons noted above; that is, persons applying between 4 3/4 and 5 years under these provisions were necessarily grouped in the next calendar year column in the printed tables.

The analysis shows that ONLY 64.6% of ALL NEW CITIZENS ELIGIBLE FOR EARLY CITIZENSHIP HAD APPLIED WITHIN 4 3/4 YEARS OF ADMISSION, 6.6% of the total (versus the 10.14% who were classified in the special categories). Moreover, regional patterns persist here, too, for only 47% of eligible Europeans, 49% of eligible West Indians, 64% of eligible Central Americans, 69% of eligible South Americans and 71.2% of eligible Asians applied within 4 3/4 years. Among individual countries, we find comparable statistics: Less than one-fourth of those from the U.K. who were naturalized under special provisions (mostly as spouses of U.S. citizens) had applied early; one-third of the Germans; less than a third of these Canadians; and less than 48% of specially qualified Mexicans. One the other hand, 58% of special category Koreans, 64% of Filipinos, 71% of Chinese, and 73% of Colombians applied within less than five years.

Thus, with 7-8% applying early [allowing for the extra 3 months] versus 10% meeting the special provisions, it is clear that many such persons have NOT been applying as soon as they might have been eligible and that the variations are consistent with other regional and national patterns, notably the eagerness of many Asian groups far more than that of nearly all

others to take advantage of the opportunities for rapid citizenship rather than deferring.

B. GROUP PATTERNS UNDER GENERAL PROVISIONS: Since the vast majority of new citizens in recent years meet only the general five-year qualifications, their patterns are, perhaps, of greater relevance. I have noted in my remarks that 47% of all new citizens applied within 4 3/4 and 7 3/4 years: 30% of those from the Caribbean, 39-40% of those from Central and South America, 43% of Europeans, and 62% of persons from Asia and the Middle and Near East. Of the 20 nationality groups I sampled, Germans and Italians had the smallest percentages applying within that period: 14%. Mexicans followed with only 18.7%. Among most groups from the Americas, except perhaps the Guyanese and the Jamaicans [and that is a recent development], proportionally more persons tend to defer. Yet, the pattern is not one of greater eagerness among Europeans, except for the Portuguese recently and the very notable case of Soviet Jews, among whom the rate was an astonishing 85% during these three fiscal years analyzed.

Two other groups who applied rapidly were also made up of persons fleeing untenable situations - or those clearly not intending to return - the Iranians (nearly 66%) and the Vietnamese (71%). In addition, among one of the largest groups, the Filipinos, 60% applied during this three year time slot. And for another of the largest groups, the Koreans, if one omits those who were naturalized early (approximately 12,700; a great many of whom were orphans adopted by U.S. citizens), 65% of the remaining Koreans applied within three years of eligibility. Finally, and probably the most astonishing finding, compared with data for other refugee groups and given the 25-28 years since Castro's rise to power by the time of these three annual reports, is that only 19.2% of Cubans applied during their first three years of eligibility [and under 2% met any special provisions].

Thus, the data reenforce the first finding, namely that some groups have delayed applying for citizenship whether they meet special provisions for early application or the general provisions. It would appear, in the absence of a systematic questionnaire, the group patterns are clear and that certain groups are arriving with very clear intentions of remaining and rapidly adopting American citizenship and others remain far more tentative in terms of their willingness to switch loyalities. Although seeking citizenship is certainly an individual act in most instances, variables relating to group patterns appear, to my mind, to be clearly present.

C. GROUP PATTERNS OF DELAYED APPLICATIONS FOR CITIZENSHIP: The above observation certainly holds for the last set of data. My earlier findings that one-fourth of all new citizens

had waited 12 years or more to apply for American citizenship continued to be the pattern in the mid 1980s. Thirty-seven percent of the Europeans, including over two-thirds of the Germans and Italians and half of those from the U.K. had waited that long. Half of all North Americans, notably 58% of Mexicans, 64% of Canadians and an extraordinary 65% of all Cubans, versus just under a third of Central and South Americans, had put off applying. Yet, merely 8% of Asians had waited so long, among them only 5.7% of Koreans, 7.5% of the Chinese, 8.3% of Iranians, and just under 10% of Filipinos - and sufficient time had elapsed since 1965 so that these figures cannot be ascribed simply to recency to arrival.

Further illustrations would not significantly alter what the above data reveal: There are clear regional and national variations in terms of the willingness to embrace American citizenship and these patterns have been rather consistent during the past two decades. The eagerness of most refugees seems rather easy to understand; the ongoing reticence of Cubans requires more investigation, for the lapse of decades and the growth of the Cuban community and its political emergence in Florida do not appear to have altered their pattern of slow applications. The pace has quickened for some of those from the Caribbean area, especially as their communities have become more stable, but my research has shown continued strong patterns of circular migration even among those legally admitted, which may explain why almost half of the new citizens from that region had waited 12 years or more [although only 32% of Jamaicans and 8.3% of Guyanese, the latter most likely due to the smaller number of earlier arrivals].

On the other hand, it is my firm belief that any inducements for citizenship [viz. an earlier waiting period] will have a limited effect on those whose intentions remain tentative, for their plans are not tentative primarily because of our naturalization procedures. Changes in the circular patterns and/or more economic stability here - as the NALEO study has shown - will play more significant roles in the decision making process. Likewise, strong attachments to homelands and/or fears about general U.S. policies (particularly regarding immigration and the treatment of aliens) will figure more prominently than changes in the waiting period.

On the other hand, a shorter waiting period will be a benefit to those who are most eager to integrate and whose talents and energies we ought to reenforce, if not reward. Since we cannot screen out potential citizens on the basis of their motives for applying (i.e., to bring in relatives more easily or to qualify for a job or grant) and these same motives could just as well have existed for others not so eager to apply, the prima facie intent in the eagerness to apply promptly should be accepted

and the three-year waiting time implemented. As I suggested last month, the conditions for acculturating foreigners are now much more pervasive and favorable than 180 years ago: persons wanting to become citizens in three years could, if they so chose, acquire the necessary information and language skills along with planting their economic roots in that time.

HOWEVER, I am as equally convinced that there is a larger issue intimately related to any proposal for a reduced waiting period and which unquestionably relates to the objective of getting groups now somewhat slower or more reluctant to apply for citizenship to do so more readily and more quickly. I have heard sufficient first hand accounts and have observed myself that current procedures DEFINITELY dissuade many foreigners from applying. If the government truly wishes to improve the rates of citizenship, it must dramatically improve the process by which it has foreigners apply for citizenship.

It should separate the Naturlization and ImmigrationServices because the negative image of the Immigration authorities unquestionably colors the view of the Naturalization services. Foreigners need to be shown that this government and society welcome their membership in this polity and that the process by which they are to be integrated will be as modest in cost, as stress-free in its procedures, and as pleasant in its setting as can possibly be done. A public relations campaign should be pursued comparable to that done for the amnesty program whereby foreigners can be shown that their citizenship is valued by us because we recognize that membership in the American polity is what binds this very heterogeneous nation together.

QUESTION: Canada is also an immigrant nation like the United States. Many of the requirements for naturalization in Canada are similar to those of the United States. Yet percentage-wise, more resident aliens in Canada become Canadian citizens than resident aliens in the United States become U.S. citizens. Do you have any explanation as to the cause of this?

I believe that the greater success that Canada has had in integrating its foreign-born is due, among others, to three factors: (A) Immigrants have long associated this nation with economic opportunity, an opportunity to earn money without having to make permanent commitments, an opportunity to gather resources in this rich land in order to improve their homeland situation. They obviously contribute their labor but do not initially wish to settle permanently here. I have not seen that long-standing image associated as strongly with Canada

and, therefore, believe that those who go there may have somewhat different long-term goals, especially in recent decades (Although I would not overlook the historical pattersn of substantial secondary southward migration from Canada!); (B) We have had historical experiences of mistreating certain foreign groups, such as Mexicans and the Japanese (And remember Title II, I believe it was, of the 1950 McCarran Internal Security Act, providing for detention camps?), which I believe have affected certain groups that may have some lingering distrust of this nation's reliability in a crisis and its potential for seeking scapegoats. I am not as sure this pattern or perception exists in Canada, despite the treatment of the Japanese during the war; (C) Finally, and perhaps most significantly, Canada did overhaul its naturalization procedures, incorporating many of the reforms I am urging the U.S. to adopt, as well.

QUESTION: It has been suggested that the mandated residency period for naturalization should be reduced. Other countries, such as Canada, require less years than we do. What, in your opinion, would be the results/consequences if we reduced the residency requirement to three years?

If the residency requirement were reduced and no other reforms made, I would anticipate a surge of applicants among those groups identified above, along with others similarly inclined, who are eager, for a variety of reasons, to become American citizens. And, of course, there would be a rippling effect in terms of some surge of relatives who would be eligible to apply for admission SOONER. I would expect that one could calculate that, with each wave of relatives entering and able to apply for citizenship earlier, there would be, in the long run, some greater number applying for admission to this country, although that greater number may simply be a greater number applying sooner rather than an absolutely greater figure (for the size of the families of eligible persons in the various homelands would not be bigger because of such a legislative change here). True, too, is the fact, that the proposed cap on immigration may offset some of this rippling effect, unless, down the road, it fosters the same kind of pressure for relief that we now see coming from supposedly "disadvantaged" countries that have been unable to send as many immigrants and which have recently qualified under the special visa lottery programs.

Finally, if the reduced waiting period is combined with general reforms of the naturalization procedures, comparable to what has been done in Canada and along the lines suggested above, I do definitely anticipate that foreigners now marginal in their

intentions, or suspicious of the government, or fearful of its personnel and procedures would be more inclined to apply for citizenship. And if our goal IS to integrate these persons rather than leave them on the margin of the American polity, then the reduced waiting time plus general reforms would bring more new citizens into the national fold and reward those so inclined. Not only they benefit but the nation does, too, since there are areas where such persons would remain for two more years ineligible to apply for work or other programs and their contributions may well be lost to us - or unnecessarily delayed.

RESPONSES TO WRITTEN QUESTIONS
SUBMITTED BY SENATE EDWARD M. KENNEDY
TO PROFESSOR REED UEDA

QUESTION: It has been suggested that the mandated residency period for naturalization should be reduced. Other countries, such as Canada, require less years than we do. In your opinion, how long should the waiting period for naturalization be and why?

In thinking about this question, I feel it is necessary to separate naturalization from instrumental purposes such as family reunification. Naturalization is too important to turn into a servant of other policy goals. I am not against reducing the waiting period in a presumptive way. However, I do believe it is important to identify what makes naturalization effective in admitting new citizens. If it is determined that a shorter period provides for the kind of qualification for citizenship that is desirable and adequate, then and only then should proposals to decrease the current five years requirement be reduced. Otherwise, I would favor letting it stand.

RESPONSE TO WRITTEN QUESTIONS
SUBMITTED BY SENATOR EDWARD M. KENNEDY
TO DR. HARRY PACHON, NALEO

QUESTION: In some of the literature, it has been reported that the rate of naturalization would increase if the role/procedures of INS were changed. Do you agree with this? If yes, how would you change the role of INS in the naturalization process and why?

NALEO believes the INS could greatly facilitate naturalization through procedural changes.

First, the INS must change the image of U.S. citizenship and the agency's service component.

During the past eight years, the INS has bolstered its enforcement image. While border security and enforcement of this nation's laws are of great importance, these activities have tarnished the service image of the INS.

Second, the INS must actively promote the responsibilities and opportunities of U.S. citizenship. Through the operation of its toll-free national U.S. citizenship hotline and active promotion of naturalization, NALEO has proven that legal permanent residents do want to become full members of our society. The Senate wisely approved $1 million for outreach and promotion of U.S. citizenship. This action is to the benefit of all Americans.

Third, the INS altered its management structure to change the Associate Commissioner for Naturalization postition into an Associate Commissioner for Adjudications. This effort de-emphasized the role of U.S. citizenship within the national office. The INS should raise naturalization to a higher priority by again developing the position solely for naturalization, and give the Associate Commissioner access to the INS Commissioner.

Finally, the INS naturalization forms are difficult to fill out, provide little or no instructions and need to be revised.

The INS has begun an internal review of the N-400 and G-325 forms, the naturalization forms. NALEO is submitting form recommendations to the INS and the House Immigration Subcommittee.

Congress could play a role by developing and passing a naturalization reform bill that includes:

o Administrative Naturalization;

o Additional naturalization personnel in areas with either long backlogs or high numbers of naturalization applications;

o Outreach Funding, including grants to local INS offices and organizations, and direction;

o Development of a Naturalization Commission to examine the feasibility of the above, as well as a separate U.S. citizenship bureau, and report to Congress on its findings;

o This Subcommittee should initiate hearings on the possibility of developing a naturalization bureau that is separate from the INS. This would effectively divide the enforcement role from the service activities, which could help avoid the apparent conflict between the two.

Senator SIMON. We appreciate your being here and thank you for helping to give us another three more perspectives on where to go.

The hearing stands adjourned.

[Whereupon, at 3:37 p.m., the subcommittee was adjourned.]

APPENDIX

ADDITIONAL SUBMISSIONS FOR THE RECORD

Statement of Erich Pratt,
Executive Director, U.S. Border Control,
Submitted to the Subcommittee on
Immigration and Refugee Affairs
Concerning Naturalization Procedures

U.S. Border Control welcomes the opportunity to testify on the naturalization provisions in legislation pending before the Senate. U.S. Border Control is a citizens' organization concerned with national security and other immigration issues.

We are opposed to changing the residency requirements at this time. For over 150 years, U.S. law has required immigrants to live here five years before they can be naturalized. This five year residency requirement not only benefits immigrants, it also promotes our national security. Thus, the five year requirement should not be reduced to three years.

Immigrants Benefit From Time to Adapt

Adjusting to a new culture and learning a new language take time. The five year residency requirement is intended to give immigrants that needed time.

If the residency requirement is reduced to three years, however, then aliens will have less time to prepare before taking their citizenship exams. This means there will probably be a

higher rate of failure -- a problem indeed. A higher failure rate could induce pressures to make the English proficiency requirements easier. (After all, proponents who support reducing the residency requirement hope that this cutback will dwindle the backlogs in immigration to this country. But if reducing the five year requirement produces a higher rate of exam-failures, then the next move may be to make the exams easier -- probably by weakening the English proficiency requirements.)

Easier exams are all too often the answer to declining test scores. When the SAT scores began dropping in the 1960's -- and continued to drop for over a decade -- the exams were simplified. Of course, this did not help the student, it only covered up a problem.

Similarly, aliens would not benefit if the English proficiency requirements were made easier. A naturalized citizen who is not proficient in English is at a disadvantage in the United States -- not only in the marketplace, but in the public sector as well. For example,

* Immigrants dialing "911" can not afford to wait for an interpreter to handle their call;

* Getting a driver's license can be a chore for those who are not proficient with the English language. (The Department of Motor Vehicles can not possibly supply interpreters for every language group. For instance, in Los Angeles alone, there are 89 different language groups.)

Requiring immigrants to learn English levels the playing field for everyone. The quicker immigrants learn English, the

quicker they can assimilate into the culture.

Therefore, this nation must encourage immigrants to learn the English language before they can become citizens. They must also learn our laws, history and customs. The five year residency requirement provides that needed time better than a three year requirement will -- especially since a three year period could spur a further decline in the English proficiency requirements.

Promoting the Security of the U.S.

The five year residency requirement also promotes our national security. That is, the five year prerequisite gives our country time to screen immigrants before they become citizens.

Attaining citizenship is similar to achieving tenure at a university. Many universities require a professor to teach for a number of years (usually five or more) before the university will grant them tenure. The trial period allows the university to carefully watch a professor over time before making a non-revocable decision.

Similarly, this country requires a trial period for immigrants who desire to become citizens. The five year requirement serves as a screening process, helping our country to discover and exclude harmful aliens. Under current federal law (8 U.S.C. 1251), the following aliens can be deported -- and thus be denied citizenship:

* Aliens who commit a serious crime "after entry" into the United States (a)(4);

* Immigrants who are drug addicts or who traffic in narcotics (a)(11);

* Immigrants who engage in espionage (a)(17);

* Aliens who become dependent on welfare "after entry" into the United States (a)(8); or

* Aliens who are institutionalized because of a disease or illness they already had upon entering the country (a)(3).

Many universities would agree that a good screening process takes at least five years. The U.S. government should not deem any differently.

Reducing the Backlog

The security of this country should not be sacrificed in the name of reducing immigration backlogs. These backlogs are the inevitable result of immigration quotas, which puts Congress in a catch-22. A Roper poll showed that 80% of the American people want immigration quotas cut, rather than raised. But since the best way to reduce immigration backlogs is to increase quotas, Congress could find itself dealing with political hot potato.

In conclusion, the residency requirement should not be cut under any circumstances. It should remain at five years since it will better serve both immigrants and the nation.

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June 20, 1989

Mr. Carl Hampe (fax: 202-224-1315)
Subcommittee on Immigration
and Refugee Policy
United States Senate
Washington, D.C. 20510

Dear Carl:

This is in response to your request for comments as to the possible implications of Senator Simon's proposal to reduce the residence required for naturalization from 5 to 3 years. These comments are in my personal capacity, rather than on behalf of any organization with which I have an affiliation.

I should say at the outset that I am a longtime admirer of Senator Simon. He was one of the most constructive and thoughtful members of the House Select Committee on Population, of which I was the Staff Director, and in this setting I came to have the highest respect for his intelligence and probity.

So that I might understand what he intends to achieve by his naturalization amendment, I have tried to reach his staff by telephone, but have not yet received a callback. Since I understood from you that the Committee timetable is short, I am writing now to say that on the basis of what I know so far, I must wonder if Paul has been well advised as to the possibly unanticipated effects of such changes. I shall fax Paul Simon a copy of this letter for his information.

In my judgment, there would have to be a very strong case made for shortening the naturalization residency requirement. My assumption is that Senator Simon's principal goal is to shorten the waiting list for 2nd preference. However, I doubt if he would be pleased if one of the effects were to be a <u>lengthening</u> of the waiting lists in other preference categories, especially the 1st, 4th and 5th. This might indeed be the result, unless other legal provisions were changed at the same time.

My reasoning is quite straightforward: No one can seriously doubt that there is demand for U.S. immigrant

visas that is far in excess of their current, or plausible, supply. All one has to do is to look at the very large -- I would say profoundly, embarrassingly large -- responses to the two "visa lotteries" that certain interest groups have managed to push through the Congress in recent years. The NP-5 program generated nearly 1.5 million applications for its 10,000 visas, though with an unknown number of duplicate applications by the same individuals. I understand that the recent "Berman" lottery has attracted some 3,000,000 applicants (this time it is 3 million actual individuals) for its 20,000 visas. Thus without trying to be very quantitative, the demand in these lotteries seems to exceed the supply by many thousands of percent.

Under these conditions of very large excess demand for U.S. visas, the proposed shortening of the naturalization waiting period might well simply increase the "velocity" of immigration petitioning, as extended family networks seek to maximize the pace of visa issuance. This would be akin to what monetary economists talk about as the increasing velocity of money in circulation, even if the money stock is constant. Such an effect could be minimized if the current system of numerically unlimited admissions for immediate family were modified, but my understanding is that such a change is not being contemplated.

Thus the overall result of a shorter waiting period for naturalization, coupled with continued unlimited admissions of immediate family of U.S. citizens, might well be to increase the waiting lists in some of the family preferences. I sincerely doubt whether such a perverse effect would be intended by Paul Simon.

I would respectfully suggest that Senator Simon himself discuss this possibility of perverse outcomes with the people at the State Department who manage the visa system. They have operational knowledge of how the system actually works, and what "spillovers" might result.

I reiterate that in my personal opinion there would have to be an awfully strong case for shortening the naturalization waiting period at a time of strongly excessive demand for U.S. immigrant visas. If indeed the main rationale is to reduce the length of waiting lists, I sincerely doubt if this effect would be realized.

Yours sincerely,

Michael S. Teitelbaum

cc: Senator Paul Simon (fax: 202-224-2223)

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June 6,'89.

Sen. Joseph Biden,
Chairman, Judiciary Committee,
United States Senate,
Washington DC 20510.

Honorable Senator Biden,

I have been a permanent resident here for the last three years, and would very much like to become a citizen of this great country as soon as possible.

On 9th February 89 I was married to Roshini in India. The few months I was in India with my wife were truly b[illegible]ful, and then I had to come away due to business.

Now, my wife and I cannot l[illegible]ogether because of the long w[illegible]iting period involved for spouses of [illegible]iens. The separation causes a lot of agony, and my best efforts to explain to my wife why she cannot be with me sometimes seem futile. She sometimes even questions my intentions and thinks that I am doing this on purpose. This situation is not unique to me, and most of us who are separated have to go through this trial by fire

I would very strongly support Senator Paul Simon's Bill S.448 as it enables me to become a citizen within three years and also because it reduces the waiting period for spouses of aliens.

The need for change is great and I request you to consider the plight of so many people like myself who are unncessailiy separated from their families.

Truly yours,

C.P. CARIAPPA.

cc; Sen. Paul Simon.

31-468 144/400

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